

# FEDERAL REGISTER



VOLUME 9

NUMBER 248

Washington, Wednesday, December 13, 1944

## Regulations

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Regs., Serial No. 328]

#### TRAINEES IN EXPERIMENTAL FLIGHT PROGRAM OF PARKS AIR COLLEGE

##### SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of December 1944.

The following Special Civil Air Regulation is made and promulgated to become effective December 8, 1944:

Each person who is listed in the records of Parks Air College or one of its affiliated schools as a trainee in an experimental course of specialized dual flight instruction is hereby authorized to make one solo flight while holding an airman certificate consisting solely of a medical certificate issued by an authorized medical examiner of the Administrator showing that such person meets the physical standards prescribed in § 29.12 of the Civil Air Regulations: *Provided, That*

(a) Such person adheres to all the Civil Air Regulations except as above provided;

(b) The name and address of each such person is submitted in duplicate to the Civil Aeronautics Board prior to the solo flight;

(c) The solo flight is made within sight of and under the personal supervision of a certificated flight instructor.

This Special Civil Air Regulation shall terminate January 15, 1945.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 44-18820; Filed, Dec. 12, 1944; 11:39 a. m.]

### TITLE 26—INTERNAL REVENUE

#### Chapter I—Bureau of Internal Revenue

##### Subchapter A—Income and Excess-Profits Taxes

[T. D. 5421]

#### PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

#### PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

##### RECOVERIES OF BAD DEBTS

Regulations 109 (26 CFR, 1941 Supp. Part 30) and Regulations 112 (26 CFR Cum. Supp. Part 35) are amended as follows:

PARAGRAPH 1. Section 30.711 (a)-2, as amended by Treasury Decision 5253 approved March 27, 1943, is further amended by changing the seventh paragraph thereof to read as follows:

The provisions of section 711 (a) (1) (E), relating to recoveries of bad debts, are not applicable in the case of a taxpayer using the reserve method of treating bad debts as provided in §§ 19.23 (k)-1 and 19.23 (k)-5 of this chapter if recoveries of bad debts charged off are credited to the reserve. If recoveries are consistently reported as gross income, the provisions of section 711 (a) (1) (E) shall be applicable only if the bad debt has been charged against the reserve account pursuant to § 19.23 (k)-5 of this chapter, and corresponding provisions of prior regulations, for a taxable year beginning prior to January 1, 1940.

PAR. 2. Section 35.711 (a)-2, as amended by Treasury Decision 5388 approved July 7, 1944, is further amended by changing the fifth paragraph thereof to read as follows:

The provisions of section 711 (a) (1) (E), relating to recoveries of bad debts, are not applicable in the case of a taxpayer using the reserve method of treating bad debts as provided in §§ 29.23 (k)-1 and 29.23 (k)-5 of this chapter if

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## NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.
- Book 7: Titles 33-45, with index.
- Book 8: Title 46, with index.
- Book 9: Titles 47-50, with index.

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recoveries of bad debts charged off are credited to the reserve. If recoveries are consistently reported as gross income, the provisions of section 711 (a) (1) (E) shall be applicable only if the bad debt has been charged against the reserve account pursuant to § 19.23 (k)-5 of this chapter, and corresponding provisions of prior regulations, for a taxable year beginning prior to January 1, 1940.

PAR. 3. Section 35.721-5, as amended by Treasury Decision 5388, is further amended by changing the figure "\$85,000" in the first example following the fourth paragraph to read "\$85,500".

(53 Stat. 32; 26 U.S.C. 62) as made applicable by sec. 729 (a) of the I. R. C. (54 Stat. 989; 26 U.S.C. 729 (a))

[SEAL] JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved: December 11, 1944.

JOSEPH J. O'CONNELL, Jr.,  
Acting Secretary of the Treasury.  
[F. R. Doc. 44-18772; Filed, Dec. 11, 1944;  
4:00 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Foreign Economic Administration

#### Subchapter B—Export Control [Amdt. 265]

#### PART 802—GENERAL LICENSES

##### ADDITION OF COUNTRIES TO LISTS

Part 802—General Licenses is hereby amended in the following particulars:

Paragraph (a) of § 802.2 *General license numbers* is hereby amended by adding Corsica to the list of countries set forth therein and by assigning the "general license" number 102 to said country.

Paragraph (a) of § 802.3 *General license country groups* is hereby amended by adding to the destinations designated as "Group G" the following:

Corsica  
French North Africa, including French Morocco, Algeria, and Tunisia  
French West Africa, including Mauritania, Senegal, French Guinea, Ivory Coast, Togoland, Dahomey, French Sudan, and Niger.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 5, 1944.

S. H. LEBENSBERGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-18770; Filed, Dec. 11, 1944;  
1:45 p. m.]



[Amdt. 266]

## PART 801—GENERAL REGULATIONS

## PROHIBITED EXPORTATIONS; MISCELLANEOUS COMMODITIES

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars: In the column headed "General License Group" the group and country designations assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity and Department of Commerce No.:	General license group
Scientific, laboratory and professional instruments and apparatus, n. e. s. (include oxygen tents), 9190.98:	
Breathing apparatus oxygen industrial, 9190.98	K
Cannisters, gas mask, industrial, 9190.98	K
Detectors, carbon monoxide gas, 9190.98	K
Dynamometers, steam turbine, 9190.98	None
Indicators, hazard measuring, gas, 9190.98	K
Inhalators, industrial safety, 9190.98	K
Masks, oxygen and safety (report gas masks in 9190.92), 9190.98	K
Respirators, industrial, 9190.98	K
Resuscitating apparatus, 9190.98	K
Other scientific, laboratory and professional instruments and apparatus, n. e. s., 9190.98	None

Shipments of any of the above commodities removed from general license, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments of such commodities moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective December 18, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 5, 1944.

S. H. LEBENSBERGER,  
Director,  
Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-18769; Filed, Dec. 11, 1944; 1:45 p. m.]

## Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56

Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-643, Modification]

A. TOZZINI TILE WORKS, INC.

Suspension Order No. S-643 was issued against A. Tozzini Tile Works, Inc., 103 Park Avenue, New York, New York, effective November 13, 1944. An appeal was filed with the Chief Compliance Commissioner. The case was reviewed by him as a result of which on December 11, 1944, he directed that the suspension order be modified.

In view of the foregoing:

It is hereby ordered, that: § 1010.643, *Suspension Order No. S-643* be modified paragraphs (a) and (b) to read as follows:

(a) Deliveries of material to A. Tozzini Tile Works, Inc., its successors or assigns, shall not directly or indirectly be granted priority over deliveries under any other contract or order except upon a contract or order bearing a preference rating of AA-3 or higher and no preference rating lower than AA-3 shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board.

(b) No allocation, including allotments, shall directly be made to A. Tozzini Tile Works, Inc., its successors or assigns, of any material or product the supply or distribution of which is governed by any order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board except that such material or product the subject of a contract or purchase order bearing a preference rating of AA-3 or higher may be allotted, and deliveries made, to A. Tozzini Tile Works, Inc., its successors or assigns.

Issued this 11th day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18774; Filed, Dec. 11, 1944; 4:04 p. m.]

## PART 1109—MICA

[Conservation Order M-101, As Amended Dec. 12, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of mica for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1109.1 *Conservation Order M-101—(a) Definitions.* For the purposes of this order:

(1) "Strategic mica" means:

(i) Muscovite block and film mica of stained quality and better but excluding (a) Green mica, (b) Mica smaller than grade 5½ (equivalent to 2½ square inches

area in single rectangle), (c) Scrap mica and (d) Splittings used in making built-up mica;

(ii) The remaining portion or remnant of muscovite block or film mica resulting from fabrication if such remnant contains a usable area equivalent to grade 5½ or larger;

(2) "Remnant mica" means mica having a usable area equivalent to grade 5½ or larger, resulting from fabrication of strategic muscovite mica. The term does not include film obtained from splitting strategic block mica, or sorted from film.

(3) "Scrap mica" means:

(i) That part of strategic mica remaining after a piece has been fabricated, if such remainder or remnant contains no piece or pieces equivalent to grade 5½ or larger;

(ii) Mine waste, provided no grade No. 5½ or larger can be trimmed therefrom.

(4) "To fabricate" means to cut, stamp, punch or split to predetermined shape or dimensions or to change in any manner the form, shape or size of strategic mica, unless such fabricating is for the purpose of making emergency repairs or emergency replacements to prevent a threatened breakdown.

(5) "Product containing strategic mica" means a product into which fabricated strategic mica is assembled or inserted, such as a spark plug, condenser, or radio tube.

(6) "End product" means a finished article, such as an airplane motor or radio set, of which the product containing strategic mica is a component part.

(b) *Restrictions on fabrication and causing fabrication of strategic mica.* No person shall fabricate or cause another to fabricate any strategic mica without receiving specific authorization to do so from the War Production Board. However, there are three exceptions to this general rule:

(1) *Fabrication of stained strategic mica.* Any person may, without authorization from the War Production Board, fabricate or cause another to fabricate stained strategic mica for any product, or end product. The fabrication and use of stained strategic mica is subject to the restrictions in paragraph (c) of this order.

(2) *Small order exemption from restrictions on fabrication.* Any person may, without authorization from the War Production Board, fabricate or cause another to fabricate, strategic mica on any purchase order for which the fabricator will receive \$100 or less. However, no person shall fill more than two such purchase orders in any month for delivery to the same customer. The fabrication and use of all strategic mica acquired under this small order exemption is subject to the provisions of paragraph (c) of this order.

(3) *Fabrication of remnant mica.* Any person may without authorization of the War Production Board fabricate remnant mica regardless of size or quality for the manufacture of any product or end product.

(c) *Additional restrictions on fabrication.* The following additional restrictions on fabrication apply to all strategic mica except remnant mica:



(1) No manufacturer of a product or end product containing strategic mica shall fabricate or cause another to fabricate strategic mica:

(i) Of a quality better than is necessary for the particular purpose to which the strategic mica will be put, unless otherwise authorized by the War Production Board;

(ii) For use where a substitution of non-strategic mica or other material is practicable, unless otherwise authorized by the War Production Board.

(2) No person shall, without authorization from the War Production Board, fabricate strategic mica of a grade (size) larger than is required to yield the desired pattern.

(d) *Application for authorization to fabricate strategic mica.* The manufacturer of the product containing strategic mica and the person, if any, who will fabricate strategic mica for such manufacturer, shall apply to the War Production Board by submitting an original and two copies of Form WPB-1085, properly filled out by the above-mentioned person or persons. If approval is granted, it will permit the person or persons named in the application to fabricate strategic mica and use such mica for the product described in the application.

(e) *Required demonstration of economic use of mica.* The War Production Board may at any time require satisfactory evidence from the manufacturer of any end product into which the product containing strategic mica is to be assembled or inserted, or from the manufacturer of the product containing strategic mica, that a lesser quantity or a lower quality of strategic mica could not be or could not have been used than the quantity or quality applied for, or that non-strategic mica or other materials could not be or could not have been used as a substitute for strategic mica.

(f) *Reports covering strategic and non-strategic block and film mica.* Any person fabricating 100 pounds or more of any block or film mica (strategic or non-strategic) in any one month, or who on the last day of any month possesses 500 pounds or more of such mica or of the value of \$500 or more, shall file Form WPB-3464, properly filled out, on or before the 15th day of the month following.

(g) *Miscellaneous provisions — (1) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to fabricating or causing another to fabricate strategic mica irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the date of this order. In so far as any other War Production Board order may have the effect of limiting or curtailing the fabrication of strategic mica to a greater extent than herein provided, the limitations of such order shall be observed.

(3) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(4) *Budget Bureau approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all other communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., Ref: M-101.

(6) *Effective date of this amendment.* Order M-101 as above amended December 12, 1944 is effective January 1, 1945. Until January 1, 1945, Order M-101 as amended September 16, 1944 remains in effect.

Issued this 12th day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18810; Filed, Dec. 12, 1944;  
11:16 a. m.]

## Chapter XI—Office of Price Administration

### PART 1300—PROCEDURE

[Procedural Reg. 12,<sup>1</sup> Amdt. 7]

#### REPLACEMENT OF LOST, STOLEN, DESTROYED, MUTILATED, OR WRONGFULLY WITHHELD RATION BOOKS OR COUPON SHEETS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Procedural Regulation No. 12 is amended in the following respects:

1. Section 1300.956 (b) is amended to read as follows:

(b) If a War Ration Book Three or a War Ration Book Four is being replaced because of the loss, theft, destruction or wrongful withholding of the original ration book, the Board, before issuing the new ration book, shall remove all expired stamps and all valid stamps except the last stamp (or series of stamps) which became valid on or before the date the book is issued.

2. Section 1300.956 is amended by adding a new paragraph (c) to read as follows:

(c) If a War Ration Book Three or a War Ration Book Four is being replaced

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 3171, 6543, 11688, 14737, 15461; 9 F.R. 6108, 12537.

because of the mutilation of the original ration book, the newly issued ration book shall contain the same number and kind of stamps as the original ration book at the time of the mutilation, less the stamps which expired before the replacement.

This amendment shall become effective December 16, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 562; E.O. 9335, 8 F.R. 5423; Sec. of Agr. War Food Orders Nos. 56, 58, 59, 61, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319; Supp. 1 to War Food Order No. 61, 9 F.R. 9134, 9389)

Issued this 12th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18823; Filed, Dec. 12, 1944;  
11:42 a. m.]

## PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASON MATERIALS

[MPR 116, Amdt. 7]

### CHINA AND POTTERY

A statement of the considerations involved in the issuance of this amendment has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 116 is amended in the following respect:

1. A new § 1362.59c is added to read as follows:

§ 1362.59c *Applications for absorbable adjustments of maximum prices for manufacturers' sales of china and pottery.* The provisions of this § 1362.59c apply only to sellers of china and pottery as defined in Maximum Price Regulation No. 116, under the circumstances and to the extent specified.

(a) *Who may apply.* An application for adjustment will be entertained in the case of any manufacturer of any articles covered by Maximum Price Regulation No. 116 if:

(1) His operating position and his ceiling price or prices for the article are such that he would qualify for relief under paragraph (b) below; and

(2) An increase in his ceiling price will not threaten an increase in established retail ceiling prices either for the article he sells or for any commodity or service sold by those who use his article. This latter condition is satisfied if either one of the following situations is found to exist:

(i) The article is not sold to household consumers in any form (as a finished good or as a component part or materials of a finished good), but on the contrary is finally sold to persons, such as professional, institutional, industrial, or commercial consumers, who use it in the conduct of their business or profession. Its adjusted price to the user will be an inconsequential cost factor that can readily be absorbed by him.

(ii) The article is sold to a very small number of purchasers who are pur-



chasers for resale and not ultimate consumers. One of them accounts for at least one-third of the manufacturer's entire output of the article. The purchasers are ready to absorb the adjustment requested in the manufacturer's price without either changing their own resale price or prices for the article (if their selling prices are less than their maximum prices) or using the adjustment as a basis for increasing their maximum prices. Letters from them to this effect must accompany the application.

(b) *Amount of manufacturers' adjustment.* Any adjusted manufacturer's maximum price established under this section will not exceed the following:

(1) If the manufacturer's entire operation is profitable, an amount sufficient to cover the unit manufacturing cost plus packing cost, and shipping cost where delivered prices are quoted or freight is allowed or equalized;

(2) If the manufacturer's entire operation is being conducted at a loss (or will be so within 90 days), an amount sufficient to cover his total unit cost to make and sell the article.

In the case of any manufacturer who qualifies under paragraph (a) (2) (ii) above, no adjustment will be made under this section in an amount greater than his customers have agreed to absorb.

Any adjustment granted under this section may be stated as a uniform percentage adjustment of the prices of the articles produced by the manufacturers which are under Maximum Price Regulation No. 116.

(c) *Purchasers for resale.*—(1) *Adjustment of resale prices to business users.* In the case of any manufacturer who qualifies under paragraph (a) (2) (i) above, if a purchaser for resale handles the article in the course of its distribution from the manufacturer to the user, an order making an adjustment in the manufacturer's maximum price or prices may also adjust the maximum prices for subsequent sales of the article. Such adjustments will be made only if it is found that purchasers for resale would not otherwise receive their normal peacetime dollar margins on the article; and the adjustments will in no event exceed the dollar amount of the manufacturer's adjustment.

(2) *Absorption by purchasers for resale in other cases.* In the case of any manufacturer who qualifies under paragraph (a) (2) (ii) above, the amount of any adjustment made in the manufacturer's maximum price under this provision shall not hereafter be considered by the customer in calculating his maximum price for the article when resold by him; nor will any petition or application for amendment, adjustment, exception or other relief made by any wholesaler or retailer of the article be entertained by the Office of Price Administration to the extent that such petition or application is based, directly or indirectly, upon the increase in price granted to the manufacturer under this provision.

(d) *Definitions.* The term "unit manufacturing cost" means the total of

direct materials, direct labor, and manufacturing expenses or factory overhead, applicable to each unit of the article.

The term "total unit cost" means the total of unit manufacturing cost and reasonable, general, administrative, and selling expenses applicable to the article, excluding income and excess profits taxes.

Depreciation included in cost shall be at rates which do not exceed those approved by the Bureau of Internal Revenue. Expenses not related to the manufacture and sale of the article will be excluded.

This amendment shall become effective on the 18th day of December 1944.

Issued this 12th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18825; Filed, Dec. 12, 1944;  
11:42 a. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,<sup>1</sup> Amdt. 2 to Supp. 1]

##### FUEL OIL

Supplement No. 1 to Revised Ration Order 11 is amended by redesignating paragraph (b) as paragraph (c) and by adding a new paragraph (b) as follows:

(b) The units represented by coupons on Class 4A, 5A and 6A coupon sheets shall have the following values for the transfer of fuel oil to a consumer and shall retain such values thereafter:

(1) In all zones, the value of one unit represented by coupons numbered "1" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "1" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "1" on Class 6A coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons and two hundred fifty (250) gallons of fuel oil, respectively.

(2) In Zones A-1, B-1, C-1, A-3, B-3 and C-3, the value of one unit represented by coupons numbered "2" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "2" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "2" on Class 6A coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

(3) In Zones A-2, B-2, C-2 and D the value of one unit represented by coupons numbered "2" and "3" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "2" and "3" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "2" and "3" on Class 6A coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

<sup>1</sup> 9 F.R. 2404, 2827.

This amendment shall become effective on December 11, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18776; Filed, Dec. 11, 1944;  
5:01 p. m.]

#### PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[RMFR 259]

##### MALT BEVERAGES

A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.\*

Maximum Price Regulation 259<sup>1</sup> is redesignated Revised Maximum Price Regulation 259 and is revised and amended to read as set forth herein.

#### ARTICLE I—EXPLANATION OF THIS REGULATION

- Sec.  
1.1 Purpose of this regulation.  
1.2 General definitions.

#### ARTICLE II—GENERAL PRICING PROVISIONS FOR BREWER'S SALES OF DOMESTIC MALT BEVERAGES

- 2.1 Explanation of certain terms used in this article.  
2.2 Brewer's basic pricing methods.  
2.3 Brewer's notification of price adjustment.  
2.4 Brewer's pricing method for sales to a new class of purchasers.  
2.5 Brewer's pricing method where the container size is different than in the base period.  
2.6 Brewer's pricing methods for sales of a domestic malt beverage of a brand and type that cannot be priced under section 2.2.  
2.7 Brewer's changes in container and case practices.  
2.8 Federal and state taxes.  
2.9 Brewer's individual applications for maximum prices.  
2.10 Adjustment of brewer's maximum prices.  
2.11 Transfers of business or assets.  
2.12 Brewer's reports of maximum prices.

#### ARTICLE III—IMPORTED MALT BEVERAGES

#### ARTICLE IV—GENERAL PRICING PROVISIONS FOR WHOLESALERS' AND RETAILERS' SALES OF DOMESTIC MALT BEVERAGES

- 4.1 Explanation of certain terms used in this article.  
4.2 Maximum prices for sales by wholesalers.  
4.3 Maximum prices for sales by retailers.  
4.4 Maximum prices for sales of domestic malt beverages in barrels by wholesalers and retailers.  
4.5 Sales and gross receipts taxes.  
4.6 Wholesalers' and retailers' individual application for maximum prices.  
4.7 Sales by a brewer's branch or a sole distributor.

#### ARTICLE V—MISCELLANEOUS PROVISIONS

- 5.1 Units of sale and fractions of a cent.  
5.2 Container and case deposits.  
5.3 Payment of brokerage.  
5.4 Advance payments.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 8950, 9495, 9621; 8 F.R. 10902, 16835; 9 F.R. 3392, 3946, 4107.



## Sec.

- 5.5 Adjustable pricing.
- 5.6 Export sales.
- 5.7 Records which must be kept.
- 5.8 Sales slips and receipts.
- 5.9 Compliance with this regulation.
- 5.10 Compliance with other laws, ordinances, and regulations.
- 5.11 Petitions for amendment.
- 5.12 Applicability.

AUTHORITY: § 1420.51 Issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

#### ARTICLE I—EXPLANATION OF THIS REGULATION

**SECTION 1.1 Purpose of this regulation.** This regulation is designed to establish maximum prices and pricing methods for all sales of domestic malt beverages except the following:

(a) Sales subject to restaurant maximum price regulations of the Office of Price Administration, or for which orders heretofore or hereafter issued and effective under General Order No. 50<sup>2</sup> fix maximum prices or provide a pricing method.

(b) Sales for which orders heretofore or hereafter issued and in effect pursuant to General Order No. 51<sup>3</sup> fix specific dollars and cents maximum prices or provide a pricing method in a particular region or community.

Maximum prices for sales of imported malt beverages are not established by this regulation at the present time. Pending issuance of an amendment adding prices for sales of imported malt beverages, sellers shall continue to price those sales according to applicable regulations and orders of the Office of Price Administration.

**SEC. 1.2 General definitions—(a) Malt beverage.** "Malt beverage" means any beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"Domestic malt beverage" means a malt beverage produced within continental United States.

"Imported malt beverage" means a malt beverage produced in a territory or possession of the United States or in a foreign country.

(b) **Type.** "Type," with reference to a malt beverage, means the class thereof as recognized under the provisions of Regulations No. 7, as amended, issued under the Federal Alcohol Administration Act, as amended, to wit: beer, ale, porter, stout, etc., except that "beer" includes lager and lager beer. In determining type of a malt beverage for the purposes of this regulation, class sub-

divisions under Regulations No. 7 shall be disregarded.

(c) **Barrel.** "Barrel" means a container for malt beverages having a capacity of 31 U. S. standard gallons of 128 fluid ounces. Fractions of a barrel, referred to in this regulation, are fractions of a barrel as so defined.

(d) **Case.** "Case" means a carton or box used for shipping or delivery of malt beverages in bottles or cans.

(e) **Container size.** "Container size" means the particular weight or unit in which malt beverages are sold.

(f) **Brand.** "Brand" means the distinctive name of a malt beverage as shown on its label. It also includes other words, lettering, or figures used on that label in association with the name for the primary purpose of giving the malt beverage a distinctive identity in the mind of a consumer.

(g) **Person.** "Person" means an individual, corporation, partnership, association, or any other organized group of persons and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(h) **Brewer.** "Brewer" means the person who is the manufacturer of a domestic malt beverage being priced.

(i) **Wholesaler.** "Wholesaler" means a person, the larger part of whose malt beverages are purchased for resale and distributed from his warehouse, without materially changing their form, to retailers or to institutional users.

(j) **Retailer.** "Retailer" means a person the larger part of whose malt beverages are purchased for resale, without materially changing their form, to consumers. Sales by the drink of malt beverages purchased in barrels shall not be deemed to involve a material change in form.

(k) **Consumer.** "Consumer" means a person who purchases the malt beverage being priced for consumption.

(l) **Sale.** "Sale" includes transfer of title, disposition, exchange, barter, delivery, lease and other transfers, and contracts or offers to do any of these things. The term "sell," "seller," "buy," "buyer," "purchase" and "purchaser" shall be construed accordingly.

(m) **Price.** "Price" means the consideration requested or received in connection with the sale of a malt beverage.

(n) **Transportation charges.** "Transportation charges" means the specific allowance provided in this regulation for the particular movement of the malt beverage being priced, or where no such allowance is provided, lawful charges of the cheapest available common or contract carrier for movement of the malt beverage being priced by the most direct route from the seller's shipping point to the purchaser's customary receiving point. The term includes any applicable Federal tax on transportation now or hereafter imposed. However, charges for local hauling or handling are excluded.

(o) **State and local taxes.** "State and local taxes" means excise taxes measured by the number of gallons, percent of al-

cohol content, container size or price of a malt beverage, imposed by a State of the United States, or any political subdivision thereof, and paid or payable by the seller to the taxing authority or to a prior vendor for the quantity of it being priced. The term does not include taxes on processing, sales or gross receipts taxes, or license, income, franchise, use or other similar taxes.

(p) Unless the context otherwise requires, the definitions in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

#### ARTICLE II—GENERAL PRICING PROVISIONS FOR BREWER'S SALES OF DOMESTIC MALT BEVERAGES

**SEC. 2.1 Explanation of certain terms used in this article—(a) Most closely competitive brewer.** Determination of a brewer's most closely competitive brewer shall include (but is not limited to) consideration of whether the two brewers:

- (1) Are comparable in size and production capacity;
- (2) Sell the same type of domestic malt beverage in the same price line;
- (3) Sell domestic malt beverages with comparable advertising history and public acquaintance;
- (4) Are competitive in their sales of domestic malt beverages;
- (5) Are located in geographical proximity.

Where more than one brewer satisfies the tests, the one located nearest to the brewer seeking to establish a price shall be used.

In pricing by reference to a maximum price of a most closely competitive brewer, appropriate adjustment shall be made in each instance for any difference in applicable state and local taxes.

(b) **Class of purchaser.** "Class of purchaser" refers to a seller's practice in setting different prices for sales to different purchasers or kinds of purchasers (for example, sole distributors, wholesalers, jobbers, retailers, house to house sellers, government agencies, public institutions, individual consumers, etc.) or for purchasers located in different areas, or for different quantities or container sizes under different conditions of sale.

(c) **Determination of similarity of domestic malt beverages.** Domestic malt beverages shall be deemed similar if of the same type and made with the same or similar kinds, grades and proportions of ingredients without substantial variation, but not otherwise. Where a choice exists between similar domestic malt beverages, the one most comparable in advertising history and public acquaintance to the domestic malt beverage being priced shall be deemed "similar" to it.

(d) **Trading area.** "Trading area" means the territory in which the brewer has customarily sold a major portion of his production of domestic malt beverages.

**SEC. 2.2 Brewer's basic pricing method.** (a) A brewer's maximum price to a purchaser of a particular class for sales

<sup>2</sup> 8 F.R. 4808.

<sup>3</sup> 9 F.R. 408, 11982.



of a brand, type, and container size of a domestic malt beverage shall be either:

(1) The highest price he charged for a sale of that brand, type and container size of domestic malt beverage to a purchaser of that class during the period October 1 to 15, 1941, inclusive, or if he made no such sale, the highest price at which he offered to sell that brand, type and container size of domestic malt beverage to a purchaser of that class during the same period, plus (in either instance) the appropriate permitted increase shown in Table I; or

(2) The highest price he charged during March 1942 for a sale of that brand, type and container size of domestic malt beverage to a purchaser of that class, or if he made no such sale, the highest price at which he offered to sell that brand, type and container size of domestic malt beverage to a purchaser of that class during March 1942, plus (in either instance) the appropriate permitted increase shown in Table II; or

(3) The price he is authorized to establish for sales of that brand, type and container size of domestic malt beverage to a purchaser of that class by an effective order or authorization issued under § 1499.18b of the General Maximum Price Regulation\* or under this regulation. Applications filed prior to December 18, 1944 under § 1420.66 (h) of Max-

imum Price Regulation 259, as amended, and pending before the Office of Price Administration on that date, shall be processed under that section. Orders or authority issued or granted prior to December 18, 1944 under that section or thereafter issued pursuant to such application, unless specifically modified or revoked, shall have the same effect as if issued or granted under this regulation.

(b) A brewer pricing his sales of a domestic malt beverage under paragraph (a) shall price all his sales of that brand and type of domestic malt beverage by use of the same base period. An offering price may be used to price only if it was an offering price for delivery during the specified base period and if the offer or an acceptance thereof is established by a price list or other written or printed evidence. A price intended to withhold a domestic malt beverage from the market or a price offered as a bargaining price by a brewer who usually sold at a price lower than his asking price, may not be used as an offering price.

(c) *Maintenance of customary discounts.* A brewer shall continue to grant his customary discounts, allowances and other price differentials in effect during the base period used in determining his maximum prices, unless the change results in the same or a lower price to the purchaser.

1941, plus an increase of 50 cents per barrel for material costs and \$2.00 per barrel for excise tax changes. They include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Administration requires you to keep this notice for examination.

(b) *Where the brewer's maximum prices are based on the March 1942 period.* A brewer who determines his maximum price in accordance with section 2.2 (a) (2) shall furnish to each purchaser, except a consumer, before or at the time of his first delivery to the purchaser, a written statement as follows:

The Office of Price Administration has authorized us to establish the following maximum prices for sales of listed brands of domestic malt beverage to you:

(Copy Table II or the appropriate parts of that table.)

These maximum prices are based on the highest price we charged to each class of purchasers during March 1942, plus an increase of \$2.00 per barrel for excise tax changes. They include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Administration requires you to keep this notice for examination.

(c) *Where the brewer's maximum prices are otherwise determined.* In all instances except those provided for in paragraphs (a) and (b), where a brewer establishes or adjusts his maximum price in accordance with this regulation, he shall furnish each purchaser, except a consumer, before or at the time of his first delivery to the purchaser, a written statement as follows:

The Office of Price Administration has authorized us to establish the following maximum prices for sales of the listed brands of domestic malt beverage to you.

(State prices by brand, size and unit of pack.)

Our maximum prices include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Administration requires you to keep this notice for examination.

(d) No notice need be given under this section if the brewer's maximum price established under this regulation for sales of the domestic malt beverage to purchasers of the particular class is the same as that in effect prior to December 18, 1944. Notice once given under this section to a particular purchaser with respect to a domestic malt beverage need not be repeated unless the price stated in the notice is changed. However, if such change is made, an additional notice covering it must be given.

**SEC. 2.4 Brewer's pricing method for sales to a new class of purchasers.** (a) If a brewer can determine his maximum price under section 2.2 for sales of a domestic malt beverage to purchasers of a particular class but cannot so determine his maximum price for it to purchasers of a different class, his maximum price for a sale to the latter class of purchasers shall be figured as follows:

(1) He shall ascertain his most closely competitive brewer who has maximum prices determined under section 2.2 to both classes of purchasers for sales of the same type and container size of domestic malt beverage;

(2) He shall then determine the difference (in dollars and cents) between the

TABLE I—INCREASES PERMITTED WHEN PRICING BY REFERENCE TO THE OCTOBER 1 TO 15, 1941 BASE PERIOD

NOTE: Do not use this table when pricing by reference to a March, 1942 base period

Brand	Size	Unit of pack	Permitted increase	
			Per case	Per bottle
(When using this table as part of notification given under Sec. 2.3 insert here brand of domestic malt beverage.)	Barrel.....	Barrel.....	\$2.50 per barrel.....	Cents
	1/2 barrel.....	1/2 barrel.....	\$1.25 per 1/2 bbl.....	
	1/4 barrel.....	1/4 barrel.....	\$0.63 per 1/4 bbl.....	
	1/8 barrel.....	1/8 barrel.....	\$0.31 per 1/8 bbl.....	
	64 oz. bottles.....	Case of 6 bottles.....	24 cents.....	4
	32 oz. bottles.....	Case of 12 bottles.....	24 cents.....	2
	24 oz. bottles.....	Case of 12 bottles.....	18 cents.....	1 1/2
	16 oz. bottles.....	Case of 24 bottles.....	24 cents.....	1
	12 oz. bottles.....	Case of 24 bottles.....	18 cents.....	3/4
	11 oz. bottles.....	Case of 24 bottles.....	17 cents.....	3/4
	8 oz. bottles.....	Case of 48 bottles.....	24 cents.....	1 1/2
	7 oz. bottles.....	Case of 48 bottles.....	21 cents.....	1 1/2

TABLE II—INCREASES PERMITTED WHEN PRICING BY REFERENCE TO THE MARCH 1942 BASE PERIOD

NOTE: Do not use this table when pricing by reference to an October 1 to 15, 1941 base period

Brand	Size	Unit of pack	Permitted increase	
			Per case	Per bottle
(When using this table as part of notification given under Sec. 2.3 insert here brand of domestic malt beverage.)	Barrel.....	Barrel.....	\$2.00 per barrel.....	Cents
	1/2 barrel.....	1/2 barrel.....	\$1.00 per 1/2 bbl.....	
	1/4 barrel.....	1/4 barrel.....	\$0.50 per 1/4 bbl.....	
	1/8 barrel.....	1/8 barrel.....	\$0.25 per 1/8 bbl.....	
	64 oz. bottles.....	Case of 6 bottles.....	19 cents.....	3
	32 oz. bottles.....	Case of 12 bottles.....	19 cents.....	1 1/2
	24 oz. bottles.....	Case of 12 bottles.....	15 cents.....	1 1/4
	16 oz. bottles.....	Case of 24 bottles.....	19 cents.....	1
	12 oz. bottles.....	Case of 24 bottles.....	15 cents.....	3/4
	11 oz. bottles.....	Case of 24 bottles.....	13 cents.....	3/4
	8 oz. bottles.....	Case of 48 bottles.....	19 cents.....	1 1/2
	7 oz. bottles.....	Case of 48 bottles.....	17 cents.....	1 1/4

**SEC. 2.3 Brewer's notification of price adjustment—**(a) *Where the brewer's maximum prices are based on the October 1 to 15, 1941 period.* A brewer who determines his maximum price in accordance with section 2.2 (a) (1) shall furnish to each purchaser, except a consumer, before or at his first delivery to

the purchaser, a written statement as follows:

The Office of Price Administration has authorized us to establish the following maximum prices for sales of listed brands of domestic malt beverage to you:

(Copy Table I or the appropriate parts of that table.)

These maximum prices are based on the highest price we charged to each class of purchasers during the period October 1-15,

\* 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.



most closely competitive brewer's maximum prices for sales of the same type and container size of domestic malt beverage to the two classes of purchasers. If that difference reflects a variation in the most closely competitive brewer's practices as to payment of transportation charges for delivery to the two classes of purchasers or as to supplying, selling, or requiring the return of containers or cases, it shall be adjusted to the extent necessary to reflect identical practices to both classes of purchasers;

(3) He shall then add the figure ascertained at (2) to, or subtract it from, his own maximum price for sales of the brand, type and container size of domestic malt beverage to the common class of purchasers, according to whether the figure is an amount over or under that price.

The resulting figure is the brewer's maximum price for the sale of the brand, type and container size of domestic malt beverage to be priced.

(4) A brewer pricing his sales of a domestic malt beverage to purchasers of a particular class according to this paragraph shall:

(i) Apply the customary discounts, allowances and price differentials applicable to sales to that class of purchasers by the most closely competitive brewer of the same class and in effect during the base period unless the change therein was made by the most closely competitive brewer according to § 1499.4b of the General Maximum Price Regulation or results in the same or a lower price to the purchaser; and

(ii) Apply his own customary practices with respect to payment of transportation charges for delivery to purchasers, or as to supplying, selling, or requiring the return of containers or cases in effect during the base period, unless the change was permitted by § 1499.4b of the General Maximum Price Regulation or section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

(b) If a brewer's maximum price for sales of a brand, type and container size of domestic malt beverage to purchasers of a particular class cannot be determined under section 2.2 or paragraph (a) of this section, his maximum price shall be an amount determined by application to the Office of Price Administration under section 2.9 of this regulation. The maximum price authorized on such application shall represent a differential in line with those established under section 2.2 by competitive brewers in the same or nearest similar trading area.

**SEC. 2.5 Brewer's pricing method where the container size is different than in the base period.** (a) If a brewer can determine his maximum price under section 2.2 for sales of a brand and type of a domestic malt beverage in a particular container size but cannot so determine his maximum price for it in a different container size, his maximum price for sales of the domestic malt beverage in the latter container size shall be figured as follows:

(1) 32 oz. containers. If the container size to be priced is a case of 32 oz. containers, the brewer shall:

(i) Deduct from his maximum price to the same class of purchasers for the same brand and type of domestic malt beverage per case of 12 oz. containers (determined under section 2.2), any of the following elements included therein: the permitted increase provided by Tables I or II, any State and local taxes, any transportation charges for delivery to the purchaser and any amount representing the repurchase price of or a deposit to assure return of containers or cases;

(ii) Multiply the figure obtained at (i) by 1.22;

(iii) Add to the figure obtained at (ii) the following: the permitted increase per case of 32 oz. containers shown in the appropriate Table I or II, the amount of any state and local taxes per case at rates in effect during the base period paid or payable by the brewer with respect to the container size being priced, any transportation charges for delivery to the purchaser deducted at (i) and any amount representing the repurchase price of or deposit to assure return of containers and cases deducted at (i). The resulting figure is the brewer's maximum price to purchasers of the particular class per case of 32 oz. containers of the brand and type of domestic malt beverage being priced.

(2) Containers other than 32 oz. If the container size to be priced is other than a 32 oz. container, the brewer shall:

(i) Ascertain his most closely competitive brewer who has maximum prices determined under section 2.2 for sales to the same class of purchasers of the same type of domestic malt beverage in both a common container size and in the container size to be priced;

(ii) Determine the difference (in dollars and cents) between the most closely competitive brewer's maximum prices for sales to that class of purchasers of the type of domestic malt beverage in the common container size and in the container size to be priced. If that difference reflects a variation in the most closely competitive brewer's practices as to payment of transportation charges for delivery of the two container sizes or as to supplying, selling or requiring the return of containers or cases, it shall be adjusted to the extent necessary to reflect identical practices for both container sizes;

(iii) Add the figure ascertained at (ii) to, or subtract it from, his own maximum price for sales of the domestic malt beverage in the common container size to the particular class of purchasers, according to whether the figure is an amount over or under that price. The resulting figure is the brewer's maximum price for sales of the brand, type and container size of the domestic malt beverage to be priced.

(3) A brewer pricing his sales of a domestic malt beverage in a particular container size according to this paragraph shall, with respect to those sales:

(i) Apply his customary discounts, allowances, and price differentials in effect during the base period and applicable to his sales of the domestic malt beverage in the common container size, unless the

charge therein was permitted by § 1499.4b of the General Maximum Price Regulation or results in the same or a lower price to the purchaser;

(ii) Apply his customary practices as to payment of transportation charges for delivery to purchasers, or as to supplying, selling, or requiring the return of containers or cases in effect during the base period and applicable to his sales of the common container size, unless the change was permitted either by § 1499.4b of the General Maximum Price Regulation or by section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

(b) If a brewer's maximum price for sales of a particular container size of a brand and type of domestic malt beverage to purchasers of a class cannot be determined under section 2.2 or paragraph (a) of this section, his maximum price shall be an amount determined by application to the Office of Price Administration under section 2.9 of this regulation. The maximum price authorized on such application shall represent a differential in line with those established under section 2.2 by competitive brewers in the same or nearest similar trading area.

**SEC. 2.6 Brewer's pricing methods for sales of a domestic malt beverage of a brand and type that cannot be priced under section 2.2.** A brewer's maximum price for sales of a domestic malt beverage of a brand or type which cannot be priced under section 2.2 shall be:

(a) His maximum price to a purchaser of the same class for the same container size of the brewer's similar domestic malt beverage of a brand for which a maximum price can be determined under that section; or

(b) If the brewer is unable to determine his maximum price under (a), his maximum price shall be the lower of the following:

(1) The maximum price of his most closely competitive brewer for sales of the same container size of that brewer's similar domestic malt beverage to a purchaser of the same class;

(2) The price provided in Table III for sales of the same type and container size of domestic malt beverage to purchasers of the particular class.

The amount of any State and local taxes, transportation charges and any amount representing the repurchase price of, or a deposit to assure the return of containers or cases included in the maximum price of the most closely competitive brewer shall be deducted in determining whether the price ascertained under (1) is lower than that ascertained under (2).

(c) A brewer pricing his sales of a domestic malt beverage under paragraph (a) shall, with respect to those sales:

(1) Apply the customary discounts, allowances, and price differentials in effect during the base period and applicable to his sales of the similar domestic malt beverage, unless the change was permitted by § 1499.4b of the General Maximum Price Regulation, or results in the same or a lower price to the purchaser; and

(2) Apply his customary practices as to payment of transportation charges for



delivery to the purchaser or as to supplying, selling or requiring the return of containers or cases in effect during the base period and applicable to his sales of the similar domestic malt beverage, unless the change was permitted either by § 1499.4b of the General Maximum Price Regulation or by section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

(d) A brewer pricing his sales of a domestic malt beverage under paragraph (b) (1) shall, with respect to those sales:

(1) Apply the customary discounts, allowances, and pricing differentials applicable to the corresponding sales of the most closely competitive brewer in ef-

fect during the base period, unless the change therein was made by the competitive brewer according to § 1499.4b of the General Maximum Price Regulation, or results in the same or a lower price to the purchaser;

(2) Apply the customary practices of the most closely competitive brewer as to payment of transportation charges for delivery to purchasers, or as to supplying, selling, or requiring the return of containers or cases in effect during the base period, unless the change was permitted either by § 1499.4b of the General Maximum Price Regulation or by section 2.7 of this regulation, or results in the same or a lower price to the purchaser.

TABLE III—Brewer's Basic Prices<sup>1</sup>

	Beer		Ale		Porter		Stout		Half and half	
	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer	Sales to wholesaler	Sales to retailer
Barrel.....	14.90	17.32	15.20	17.64	15.20	17.64	15.20	17.64	15.20	17.64
1/2 barrel.....	7.45	8.66	7.60	8.82	7.60	8.82	7.60	8.82	7.60	8.82
1/4 barrel.....	3.73	4.33	3.80	4.41	3.80	4.41	3.80	4.41	3.80	4.41
1/8 barrel.....	1.97	2.27	2.00	2.31	2.00	2.31	2.00	2.31	2.00	2.31
Case of—										
48/7 ounces.....	2.10	2.60	2.13	2.63	2.13	2.63	2.13	2.63	2.13	2.63
48/8 ounces.....	2.31	2.76	2.34	2.79	2.34	2.79	2.34	2.79	2.34	2.79
24/11 ounces.....	1.43	1.73	1.46	1.76	1.46	1.76	1.46	1.76	1.46	1.76
24/12 ounces.....	1.43	1.73	1.46	1.76	1.46	1.76	1.46	1.76	1.46	1.76
24/16 ounces.....	1.88	2.06	1.91	2.09	1.91	2.09	1.91	2.09	1.91	2.09
12/24 ounces.....	1.49	1.85	1.52	1.88	1.52	1.88	1.52	1.88	1.52	1.88
12/32 ounces.....	1.80	2.12	1.83	2.15	1.83	2.15	1.83	2.15	1.83	2.15
6/64 ounces.....	1.68	1.97	1.71	2.00	1.71	2.00	1.71	2.00	1.71	2.00

<sup>1</sup> Prices listed in this table for sales to wholesalers are f. o. b. brewery platform and for sales to retailers are delivered prices. They include all Federal taxes, and brewer's cost for containers and case furnished by the brewer but to be returned by the purchaser. They do not include state and local taxes, the exact amount of which may be added if paid by the brewer, or the repurchase price of or deposits to assure return of containers and case, which may be charged as provided in Section 5.2.

**Sec. 2.7 Brewer's changes in container and case practices.** A brewer's maximum price for a sale of a domestic malt beverage shall be adjusted to reflect any change in his base period practices with respect to supplying, selling or requiring the return of containers or cases. The adjustment shall be made in the following manner:

(a) If the brewer customarily supplied the containers and case, and either required a deposit to assure their return, or agreed with the purchaser to repurchase them at a fixed price, or had an agreement with the purchaser for their return:

(1) His maximum price to the purchaser for a sale of the domestic malt beverage including the containers and case shall be his maximum price to the purchaser for a sale of the same brand, type and container size on the former basis (not including, however, the amount of the deposit or repurchase price, if any) less 4¢ per case, plus the amounts for the particular size of containers and kind of case sold provided in Table IV; and

(2) His maximum price to the purchaser for a sale of the domestic malt beverage in containers and case supplied by the purchaser shall be his maximum price to that purchaser for a sale of the same brand, type and container size on the former basis (not including the amount of the deposit or repurchase price, if any) less 4¢ per case.

(b) If the brewer customarily sold the containers and case to the purchaser:

(1) His maximum price to the purchaser for a sale of the domestic malt beverage in containers and case supplied by the purchaser shall be his maximum price for a sale of the same brand, type and container size on the former basis, less the amount provided in Table IV for the particular size of containers and kind of case he no longer sells; and

(2) His maximum price to the purchaser for a sale of the domestic malt beverage in containers and case supplied by the brewer but which the purchaser is to return, shall be his maximum price for a sale of the same brand, type and container size on the former basis, less the amount provided in Table IV for the particular size of containers and kind of case he no longer sells, plus 4¢ per case. The amount the brewer may require as a deposit charge in such instances to assure the return of the containers and case or add to provide for their repurchase shall be determined according to section 5.2.

(c) Paragraph (a) of this section shall also apply to a brewer's sales of a domestic malt beverage priced under section 2.6 (b) (2) of this regulation.

(d) If a brewer desires to change his base period practices with respect to supplying, selling or requiring the return of containers or cases, but is unable to determine under paragraphs (a), (b) or (c) a price adjustment reflecting such change, he shall apply to the Office of Price Administration under section 2.9 of this regulation for determination of

that adjustment. The adjustment prescribed shall be in line with those established by the preceding paragraphs of this section.

TABLE IV

(a) New containers.

NOTE: The following are figures per individual containers. In determining an amount per case, multiply the appropriate figure by the number of containers per case.

	Export (per bottle)	Steinle (per bottle)
	Cents	Cents
7 ounce bottle.....	1.6	1.6
8 ounce bottle.....	1.6	1.6
11 ounce bottle.....	1.9	1.9
12 ounce bottle.....	2.0	1.8
16 ounce bottle.....	2.5	2.5
24 ounce bottle.....	3.8	3.8
32 ounce bottle.....	4.3	4.3
64 ounce bottle.....	6.4	6.4

Where container size is different than those listed above, the amount used shall be that for the nearest smaller listed container size.

(b) Used containers. The figure to be used is 80 percent of the appropriate figure determined under (a) above for new containers.

(c) New cases (including partitions).

	Cents per case
Wood case.....	65
Solid Fibre case.....	28
Corrugated carton.....	14

(d) Used cases (including partitions). The figure to be used is 80 percent of the appropriate figure listed under (c) above for new cases.

**Sec. 2.8 Federal and State taxes.** Any tax upon, or incident to, the sale or delivery of a domestic malt beverage, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof (for which specific provision is not otherwise made) shall be treated as follows in determining the brewer's maximum price for such domestic malt beverage and preparing the records of such brewer with respect thereto:

(a) As to a tax in effect prior to the last day of any base period herein provided for the determination of the maximum prices of the brewer:

(1) If the brewer paid such tax and the brewer did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him, the brewer may not collect such amount in addition to the maximum price and in such instances shall include such amount in determining his maximum price under this regulation.

(2) In all other instances, if, at the time the brewer determines his maximum price, the statute or ordinance imposing such tax does not prohibit the brewer from stating and collecting the tax separately from the purchase price and the brewer does separately state and collect it, the brewer may collect in addition to the maximum price the amount of the tax actually paid by him and in such instance, the brewer shall not include such amount in determining his maximum price under this regulation.

(b) As to any tax first imposed after the last day of any base period provided for the determination of the maximum prices of a brewer or any increase in a



tax then imposed, the brewer may collect the amount of such tax or increase imposed upon him by any statute of the United States or by any statute or ordinance of any State or subdivision thereof with respect to a domestic malt beverage: *Provided*, That the amount thereof has been paid by the brewer or has accrued and will become payable by him to the appropriate taxing authorities.

(c) In all instances if the tax paid by the brewer is refundable by the taxing authority the brewer may not collect the amount of it from the purchaser.

(d) As to the increases totalling \$2.00 per barrel in Federal excise tax on domestic malt beverages (\$1.00 effective November 1, 1942 and \$1.00 effective April 1, 1944) no addition for those increases may be made under this section where the applicable pricing method results in maximum prices making allowance for them.

**Sec. 2.9 Brewer's individual applications for maximum prices.** (a) A brewer required to price according to this Article, who cannot otherwise determine his maximum price or is specifically directed to price by application, shall make application by letter to the Office of Price Administration, Beverage Section, Washington, D. C. An original and one copy of the application shall be furnished. The application shall be signed by the applicant, or by its authorized officer, member or agent and shall state:

(1) Applicant's name and business address, and if the applicant is not an individual, the name and title of the person signing the application in applicant's behalf;

(2) The section of this article requiring or permitting the application to be made;

(3) A description of the sales and the domestic malt beverage to be priced adequate for pricing purposes, including the classes of purchasers for sales to which prices are sought, and the brand, type and container size of domestic malt beverage;

(4) Any other pertinent information applicant desires to submit.

(b) After receipt of the application and any further information or evidence considered necessary and requested for the purpose of determining proper maximum prices, the Price Administrator will, by order or by amendment to this regulation, establish maximum prices or provide a method of determining maximum prices.

(c) An order establishing maximum prices or providing a method of determining maximum prices issued under this section may be revoked or amended, in whole or in part, at any time, by the Price Administrator. It shall be deemed revoked as to a sale, without further action by the Price Administrator, on the effective date of an amendment to this regulation establishing a different maximum price or pricing method for the sale.

(d) If a brewer makes a sale for which he is required to apply for a maximum price under this section, before that maximum price has been established, his maximum price for the sale shall be deemed his total cost for the quantity sold.

**Sec. 2.10 Adjustment of brewer's maximum prices.** (a) The Price Administrator may adjust the maximum prices established under this regulation for any brewer who applies for adjustment in accordance with paragraph (c) when it appears that:

(1) Applicant's maximum prices are below the average level of brewers' maximum prices for similar domestic malt beverages in the trading area served by the applicant, and

(2) Applicant is, or will be unable to continue his production of domestic malt beverages without adjustment of his maximum prices, and

(3) The loss of applicant's production would result in consumers in the trading area served by applicant being required to pay higher prices for similar domestic malt beverages, and

(4) An increase in applicant's maximum prices will enable him to continue production of domestic malt beverages, and

(5) The Price Administrator finds that an increase in applicant's maximum prices will, on all available facts, effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) The maximum adjustment that may be granted to a brewer under this section shall be limited to that:

(1) Which will not cause his maximum prices to exceed the average level of brewers' maximum prices for similar domestic malt beverages in the trading area served by applicant, and

(2) Which is reasonably required to return to applicant, for his current fiscal year, net profits on his domestic malt beverage operations before income and excess profits taxes equivalent to his average annual net profits on his domestic malt beverage operations before income and excess profits taxes (adjusted for changes in investment) during a representative peace time period, but in no event less than total costs on his domestic malt beverage operations. In determining net profits for applicant's current fiscal year, actual earnings data shall be used if available; otherwise, net profits shall be estimated by multiplying applicant's volume of sales in each container size during his last fiscal year by his maximum prices for those sales under this regulation, adding the resulting figures and deducting his total costs on his domestic malt beverage operations for the same year.

"Representative peace time period" means the calendar years 1936-1939 or applicant's fiscal years corresponding thereto. In individual instances, where those years are not a reasonably representative pre-war (December 7, 1941) period, other calendar or fiscal pre-war years found by the Price Administrator to be representative may be used.

(c) Applications for adjustment under this section shall be made by letter to the Office of Price Administration, Beverage Section, Washington, D. C. The application shall be signed by applicant, or its authorized officer, member or agent and shall supply the following information:

(1) Applicant's name and business address, and if the applicant is not an

individual, the name and title of the person signing the application on applicant's behalf;

(2) The brands and types of domestic malt beverages sold by applicant, the container sizes sold, and the trading area served;

(3) Applicant's present and requested maximum prices by container sizes and classes of purchasers;

(4) The names and addresses of all brewers selling similar domestic malt beverages in the same trading area, and, if known by applicant, the brands and maximum prices of such domestic malt beverages;

(5) Operating and Profit and Loss Statements (prepared according to applicant's usual system of accounting) showing results of applicant's domestic malt beverage operations during the representative peace time period and during his most recent accounting period, unless such data was previously furnished to the Office of Price Administration;

NOTE: Profit and loss data for the years 1936-1939 will be secured from the Bureau of Internal Revenue if applicant so requests.

(6) The applicant's volume of sales of domestic malt beverages in each container size to each class of his purchasers during his last fiscal year;

(7) Any other pertinent information applicant desires to submit, or which may be requested to determine applicant's right to, or the extent of an adjustment.

(d) Adjustments may be granted or denied under this section in whole or in part by order of the Price Administrator. An order granting or denying an adjustment may be revoked or amended by the Price Administrator at any time.

**Sec. 2.11 Transfers of business or assets.** If all, or substantially all the business, assets and stock in trade of an operating brewery are sold, leased or otherwise transferred after April 28, 1942, thereafter while the transferee carries on the business by continuing to manufacture and sell domestic malt beverages at a place of business separate from any other previously owned and operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject, and his obligations to keep records shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping provisions of this regulation. If the transferor was not an operating brewery at the date of the sale, lease or other transfer, the maximum prices of the transferee for sales of domestic malt beverages he manufactures in that place of business shall be established in accordance with section 2.6 of this regulation.

**Sec. 2.12 Brewer's reports of maximum prices.** (a) On or before January 17, 1945 every brewer shall report his maximum prices to each of his classes of purchasers for each brand, type and container size of domestic malt beverage he manufactures and sells. Every brew-



er who after January 17, 1945 manufactures and sells a new brand of domestic malt beverage shall likewise report his maximum prices for such brand within five days after his first sale thereof. If, after filing the report, the brewer establishes maximum prices to different classes of purchasers or for different types or container sizes of those brands of domestic malt beverage listed therein, he shall, within five days after his first sale to which such maximum prices apply, file a supplemental report showing the maximum prices established.

(b) Reports under this section shall be in duplicate on Revised OPA Form 635-547 (included in Appendix A to this regulation), copies of which may be obtained from the National or any Regional or District Office of the Office of Price Administration, or on copies of that form made by the brewer. Both copies shall be signed by the brewer or by his duly authorized officer, member or agent and shall be filed with the Office of Price Administration, Beverage Section, Washington, D. C.

(c) Neither acceptance of a report nor failure to object to maximum prices or other information shown therein shall constitute approval by the Office of Price Administration of the report, the maximum prices, or the information.

#### ARTICLE III—IMPORTED MALT BEVERAGES

(All sellers shall continue to price their sales of imported malt beverages in accordance with applicable regulations and orders of the Office of Price Administration, until issuance of an amendment to this regulation providing maximum prices or pricing methods for those sales.)

#### ARTICLE IV—GENERAL PRICING PROVISIONS FOR WHOLESALERS' AND RETAILERS' SALES OF DOMESTIC MALT BEVERAGES

SEC. 4.1 *Explanation of certain terms used in this article.* (a) "Cost of acquisition" means (and is limited to) the total the seller lawfully pays for the following elements of cost applicable to the brand, type and container size of domestic malt beverage being priced:

(1) The supplier's selling price, less all discounts allowed except the discount for prompt payment. The supplier's selling price shall be adjusted, if necessary, to exclude from it any amount representing the repurchase price of containers or cases or any deposit required to assure their return;

(2) Transportation charges (as defined in section 1.2 (n)) if not included in the supplier's selling price;

(3) Applicable State and local taxes, if not included in the supplier's selling price. State and local taxes are defined in section 1.2 (o).

(b) "Base delivery zone" means the area within which the seller customarily delivered without extra delivery charge.

For purposes of this regulation, any Regional Administrator of the Office of Price Administration may define, by order, the geographical limits of the base delivery zone of any seller or group of sellers whose shipping points are located within the jurisdiction of his office. Any District Director of the Office of Price

Administration, if authorized by order of his Regional Administrator, shall have and may exercise like authority with respect to the base delivery zone of any seller or group of sellers whose shipping points are located within his district.

(c) "Most recent purchase" means the most recent purchase under which a complete or partial delivery to the purchaser's customary receiving point has been made.

SEC. 4.2 *Maximum prices for sales per case by wholesalers.*—(a) *Sales of domestic malt beverages in bottles or cans delivered in the wholesaler's base delivery zone to all classes of purchasers except consumers.* A wholesaler's maximum price per case for sales of a brand, type and container size of domestic malt beverage in bottles or cans, delivered in his base delivery zone to all classes of purchasers except consumers, shall be the wholesaler's cost of acquisition per case for that brand, type and container size of domestic malt beverage in his most recent purchase that is customary for him in quantity, type of supplier, receiving point and means of transportation, multiplied by 1.23.

(b) *Sales of domestic malt beverages in bottles or cans delivered outside the wholesaler's base delivery zone to all classes of purchasers except consumers.* A wholesaler's maximum price per case for sales of a brand, type and container size of domestic malt beverage in bottles or cans, delivered outside his base delivery zone to all classes of purchasers except consumers, shall be his maximum price for a corresponding sale delivered in his base delivery zone, determined according to paragraph (a), plus the appropriate delivery charge provided in Table V.

(c) *Sales of domestic malt beverages delivered to consumers.*—(1) *Maximum prices for sales per case delivered to consumers.* A wholesaler's maximum price per case for sales of a brand, type and container size of domestic malt beverage in bottles or cans, delivered to a consumer, shall be the wholesaler's cost of acquisition per case for that brand, type and container size of domestic malt beverage in his most recent purchase that is customary for him in quantity, type of supplier, receiving point and means of transportation, multiplied by 1.35.

(2) *Maximum prices for sales per bottle or cans delivered to consumers.* A wholesaler's maximum price for sales of individual bottles or cans of a brand, type and container size of domestic malt beverage to a purchaser of any class shall be an amount determined by dividing his maximum price per case for a sale of the brand, type and container size of domestic malt beverage to a purchaser of that class by the number of bottles or cans customarily packed in the case by his supplier, and multiplying the resulting figure by the number of bottles or cans being priced.

(d) *Limitation of maximum price where purchase has been made from another wholesaler.* Where a wholesaler is selling in bottles or cans a brand, type and container size of domestic malt beverage purchased from another wholesaler, his maximum price per case shall

not exceed the maximum price of his supplier to the same class of purchasers, plus the appropriate delivery charge, if any, provided in Table V for movement to his customary receiving point from his supplier's shipping point, plus or minus (as may be appropriate) any difference in applicable State and local taxes and markup thereon. Where the sale is made to a retailer, the appropriate charge for delivery, if any, provided in Table V for movement to the purchaser's receiving point may also be added.

TABLE V—WHOLESALERS' DELIVERY CHARGES FOR DELIVERY BEYOND BASE DELIVERY ZONE

Distance beyond base delivery zone—	Permitted delivery charge (cents per case)
20 miles or less—	3
More than 20 miles but less than 40 miles—	6
40 miles or more but less than 60 miles—	9
60 miles or more—	12

SEC. 4.3 *Maximum prices for sales by retailers.*—(a) *Sales of domestic malt beverages in bottles or cases delivered to all classes of purchasers.* A retailer's maximum price for sales per unit of a brand, type and container size of domestic malt beverage in bottles or cans delivered to all classes of purchasers shall be determined as follows:

(1) The retailer's cost of acquisition per case for that brand, type and container size in his most recent purchase that is customary for him in quantity, type of supplier, receiving point and means of transportation, shall be multiplied by 1.35 and rounded to the nearest full cent.

(2) The resulting figure shall be divided by the number of bottles or cans per case and the fractions of a cent resulting in the retailer's calculations shall be adjusted as follows: If the fraction is less than  $\frac{1}{4}$  cent, the maximum retail price shall be reduced to the nearest full cent; if the fraction is  $\frac{1}{4}$  cent or more, but less than  $\frac{1}{2}$  cent, that price may be increased to the nearest half cent; if the fraction is  $\frac{1}{2}$  cent or more, but less than  $\frac{3}{4}$  cent, that price shall be reduced to the nearest half cent; if the fraction is  $\frac{3}{4}$  cent or more, that price may be increased to the nearest full cent.

(3) The maximum price for any unit of sale shall be the result of subparagraph (a) (2) above, multiplied by the number of bottles or cans being sold.

(b) *Limitation on maximum price where purchase has been made from another retailer.* Where a retailer is selling in bottles or cans a brand, type and container size of domestic malt beverage purchased from another retailer, his maximum price per case shall not exceed the maximum price of his supplier to the same class of purchasers, plus or minus (as may be appropriate) any difference in applicable state and local taxes and markup thereon.

SEC. 4.4 *Sales of domestic malt beverages in barrels by wholesalers and retailers.* A wholesaler's or retailer's maximum price for sales of a brand and type of domestic malt beverage in barrels (or fractions of a barrel) to a purchaser of a particular class shall be an amount de-



terminated according to § 1499.2 of the General Maximum Price Regulation (using, however, either the October 1 to 15, 1941 or the March 1942 base period at the wholesaler's or retailer's election), plus the appropriate permitted increase provided in Tables I or II of this regulation.

NOTE: Tables I and II can be found under Section 2.2 of this regulation.

**SEC. 4.5 Sales and gross receipts taxes.** A wholesaler or retailer may add to his maximum price established by this article any tax upon a sale of the domestic malt beverage being priced or upon the gross receipts from that sale imposed by any statute of the United States or by any statute or ordinance of any State or subdivision thereof, if

(a) The statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it and he does separately state and collect it; or

(b) The amount of the tax has been separately stated and collected from the seller by a prior vendor and the statute or ordinance imposing the tax does not prohibit the seller from separately stating and collecting it, and he does separately state and collect it.

**SEC. 4.6 Wholesalers' and retailers' individual applications for maximum prices.** (a) Any wholesaler or retailer required to establish his maximum price for a sale of a domestic malt beverage under this article, but who is unable to determine that maximum price, shall make application to the appropriate field office for determination of that price. The application shall be in writing, signed by the applicant, shall state the reasons why applicant is unable to determine his maximum price under other sections of this article, and shall contain information sufficient for pricing purposes.

(b) After receipt of such application, the District Director of the appropriate field office may, by order, establish maximum prices for applicant which are in line with maximum prices established by this article for comparable sales of other competitive sellers of the same class. Any such order may be revoked or amended by the District Director at any time.

"Appropriate field office" for purposes of this section means the District Office of the Office of Price Administration for the District in which applicant's principal place of business is located.

**SEC. 4.7 Sales by a brewer's branch or a sole distributor.** (a) A brewer's branch shall price its sales of domestic malt beverages as if it were a wholesaler.

"Brewer's branch" means a separately established and operated branch of a brewer, controlled and managed by the brewer and engaged, prior to December 18, 1944, in the distribution of the domestic malt beverage being priced, primarily to retailers.

(b) A sole distributor of a domestic malt beverage shall price his sales of that domestic malt beverage as if he were its brewer.

"Sole distributor" means a person who is the seller of all or substantially all the brewer's production of the domestic malt beverage being priced. Controlled subsidiaries and branches of a sole distributor, and controlled subsidiaries of a brewer (except a brewer's branch) shall with respect to sales of a domestic malt beverage manufactured by the particular brewer, be deemed "sole distributors."

(c) To the extent that the provisions of this section conflict with other provisions of this regulation, this section shall control.

#### ARTICLE V—MISCELLANEOUS PROVISIONS

**SEC. 5.1 Units of sale and fractions of a cent.** (a) Maximum prices shall be stated in terms of the same general units (barrels, cases, bottles, cans, etc.) in which the seller has customarily quoted prices for the malt beverage except where the applicable pricing method shows that another unit is to be used.

(b) Amounts computed in the process of figuring a maximum price (other than the maximum price itself) for sales except at retail shall be carried to four decimal places (hundredths of a cent). For sales to government procurement agencies, the maximum price itself shall be carried to four decimal places. In sales to purchasers other than government procurement agencies, if the charging of a maximum price would require use of a fraction of a cent, the maximum price shall be deemed the nearest higher full cent if the fraction is one-half cent or more, or the nearest lower full cent if the fraction is less than one-half cent.

#### SEC. 5.2 Container and case deposits.

(a) A brewer who, during the base period used for determination of his maximum prices, regularly required purchasers to furnish a deposit to assure return of containers or cases may continue to require that deposit. He may also from time to time adjust the amount of deposit required to a sum not exceeding 110 percent of his lawful replacement cost of the containers or cases, or with the prior written approval of the Director of the District Office of the Office of Price Administration in which his principal place of business is located, to such larger sum as the Director finds does not, under the circumstances, unduly exceed his lawful replacement cost of the containers or cases.

(b) If a brewer, in accordance with section 2.7 of this regulation, first makes any adjustment in maximum prices necessary to reflect a change in terms of sale in effect during the base period used in determining those prices, he may require a deposit to assure return of containers or cases. He may also, from time to time, adjust the amount of the deposit required. A deposit required under this paragraph may not exceed 110 percent of the brewer's lawful replacement cost of the containers or cases or such larger sum as the Director of the District Office of the Office of Price Administration in which his principal place of business is located, approves in writing as not, under the circumstances, unduly in ex-

cess of his lawful replacement cost of the containers and cases.

(c) A wholesaler or retailer may require a purchaser to furnish a deposit to assure return of containers or cases regardless of his prior practice in that respect. He may also, from time to time, adjust the amount of the deposit required. A deposit required under this paragraph shall not exceed the corresponding deposit furnished by the wholesaler or retailer to his supplier or, if the wholesaler or retailer owns the containers or cases, shall not exceed 110 percent of his lawful replacement cost thereof or such larger sum as the Director of the District Office of the Office of Price Administration in which his principal place of business is located, approves in writing as not, under the circumstances, unduly in excess of his lawful replacement cost of the containers and cases.

(d) Any District Director of the Office of Price Administration shall have and may exercise, by letter, authority to approve or disapprove a deposit to be required or adjusted under this section and to revoke or modify approval given.

(e) A seller requiring a deposit under this section shall not directly or indirectly require the purchaser to pay separately for reasonable wear and tear of containers or cases, or for loss of or damage to them in transit. No seller may increase his maximum price because of his expense incident to return of containers or cases or because of a deposit required of him by his supplier.

(f) For purposes of this section, an agreed repurchase price of containers or cases shall be deemed a deposit by the purchaser of the amount of the repurchase price.

**SEC. 5.3 Payment of brokerage.** Every broker shall be considered the agent of the seller, and not the agent of the purchaser. In each instance, the amount paid by the purchaser to the seller, plus any amount paid by the purchaser to the broker, shall not exceed the seller's maximum price including allowable charges actually paid by the seller or by the broker. In other words, the seller may not collect from the purchaser any more than the maximum price including allowable charges, less any amount the purchaser pays the broker.

NOTE: Attention is directed to Revised Maximum Price Regulation 165<sup>a</sup> establishing maximum prices brokers may charge for their services.

As used in this section, "broker" means a person acting as intermediary between a seller and a purchaser. It includes, but is not restricted to, a "finder," "buyer's agent," and "seller's agent."

**SEC. 5.4 Advance payments.** If, before delivering a malt beverage, a seller directly or indirectly requires the purchaser to make an advance payment (whether the payment be to the seller or to another person) the seller must compensate the purchaser by paying interest on it at not less than 5 percent per annum from the date on which the advance payment is made to the date

<sup>a</sup> 9 F.R. 7439, 9107, 9411, 11173, 12040.



on which it is refunded or the malt beverage delivered. The interest shall be payable on the date of delivery or on the date the advance payment is refunded. The seller may not increase his maximum price because of the interest payment and the purchaser need not reduce his maximum price because of having received it.

**SEC. 5.5 Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery. However, no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given only when a request to establish a maximum price or for a change in the applicable maximum price is pending, and only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Price Administrator or by any official of the Office of Price Administration having authority to establish the price or to take final action upon the pending request for a change in price. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated action will be the granting of an individual application for adjustment or the establishment of a maximum price on individual application.

**SEC. 5.6 Export sales.** The maximum prices at which a person may export a malt beverage shall be determined in accordance with the Second Revised Maximum Export Price Regulation<sup>8</sup> issued by the Office of Price Administration.

**SEC. 5.7 Records which must be kept.** Every person who makes sales for which this regulation establishes maximum prices shall:

(a) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records showing the prices he charged in those sales and the manner in which they were figured (which records may be of the same kind as he has customarily kept, if his customary records supply that information), and

(b) Preserve for examination by the Office of Price Administration, for the same period, all his existing records which are the basis for determining his maximum prices in the manner directed by this regulation, and

(c) Preserve for examination by the Office of Price Administration, for the same period, all records relating to those sales he was required to make or preserve by the General Maximum Price Regulation or by Maximum Price Regulation 259, as amended.

"Records" means written evidence of transactions, including books of account, price lists, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices

and bills of lading, a copy of any application or report to the Office of Price Administration and other papers and documents necessary to determine prices charged, offered, or paid and the method used to determine them.

**SEC. 5.8 Sales slips and receipts.** Upon request, and regardless of his previous custom, any seller shall give a purchaser a sales slip or receipt stating the date of purchase, name and address of the seller, a description sufficient to identify the quantity of each brand, type and container, size of malt beverage sold to the purchaser, and the price received for it.

**SEC. 5.9 Compliance with this regulation—**(a) *No selling or buying above maximum prices.* Regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade or business, any malt beverage at a price higher than the maximum price established by this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, a price lower than the maximum price may be charged or paid.

(b) *Evasion.* (1) No person shall evade a maximum price directly or indirectly, by any practice or device in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any malt beverage either alone or in connection with any other commodities or services, by commission, brokerage or finder's fee, service, transportation or other charge or discount, premium or other privilege, by tying or tie-in agreement, long term contract, combination sale or trade understanding, by any change in style or manner of packing, by a business practice relating to containers, or by any other means.

(2) The following transactions or acts constituting violations or evasions of this regulation are prohibited:

(i) Changes in kinds, grades and proportions of ingredients resulting in depreciation of the quality of a malt beverage other than as the result of a normal variation;

(ii) The reduction or elimination of a brewer's customary discounts, allowances or price differentials;

(iii) Making a separate charge by a seller to a purchaser for local hauling or handling, loading or unloading, for breakage of barrels, containers or cases, for reconditioning barrels, containers or cases, or for hauling or handling empty barrels, containers or cases.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1<sup>9</sup> licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of one or more applicable price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 5.10 Compliance with other laws, ordinances and regulations.** Persons complying with this regulation are entitled to the benefits of section 205 (1) of the Emergency Price Control Act of 1942, as amended. However, except as may be provided by that section, this regulation shall not make lawful or operate to permit any sale of a malt beverage otherwise prohibited or regulated by any Federal, state or local statute, ordinance or regulation.

**SEC. 5.11 Petitions for amendment.** Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1<sup>8</sup> and amendments issued by the Office of Price Administration.

**SEC. 5.12 Applicability.** This regulation shall be applicable in the 48 states of the United States and in the District of Columbia.

## APPENDIX A

OPA Form 635-547  
(Rev. 11-44)

Form Approved  
Budget Bureau No. 08-R123.2

This Form May Be Reproduced Without Change

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
WASHINGTON 25, D. C.

REPORT OF MAXIMUM PRICES OF DOMESTIC MALT  
BEVERAGES FILED PURSUANT TO SECTION 2.12 OF  
REVISED MAXIMUM PRICE REGULATION NO. 259

Name of company	
Address—Number and street	
City, postal zone number, and State	
Signature of person filing this report	
Title	Date

## INSTRUCTIONS

If this is your first report under Revised Maximum Price Regulation 259, list below your maximum prices established under that regulation for all brands of domestic malt beverages established by you. If this is a supplemental report covering a new brand of domestic malt beverage not previously listed state below your maximum prices for that brand. If this is a supplemental report of maximum prices to new classes of purchasers or for different types or container sizes of a brand of domestic malt beverage, state below your maximum prices for those sales. Show maximum prices to wholesalers f. o. b. brewery platform. If sales to wholesalers are made other than on f. o. b. platform basis, indicate terms

of sale under "Remarks." Show maximum prices to retailers delivered. All maximum prices listed shall exclude:

1. State, city or municipal taxes
2. Deposits or repurchase price of containers and case
3. Quantity discounts

but shall include all Federal excise taxes. The completed form should be returned to:

Office of Price Administration  
Food Price Division, Beverage Section  
F. O. B. #1  
Washington 25, D. C.

<sup>8</sup> 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273.

<sup>9</sup> 8 F.R. 13240.

<sup>9</sup> 9 F.R. 10476.



Brand and type  In each block may be listed all brands having the same price	Maximum prices of domestic malt beverages				
	Container size	Class of purchasers			
		Wholesaler	Retailer	Armed forces	Other (specify)
	Barrel				
	1/2 barrel				
	1/4 barrel				
	1/8 barrel				
	Cases of				
	6/14 ounces				
	12/32 ounces				
	12/24 ounces				
	24/16 ounces				
	24/12 ounces				
	24/11 ounces				
	48/8 ounces				
	48/7 ounces				
	48/6 ounces				
	Other				

(Repeat for each brand having different prices.)

1	LIST BELOW APPLICABLE DISCOUNTS			
	Class of purchaser	Quantity discount	Cash discount	Other discounts
2	LIST BELOW DEPOSITS OR AGREED REPURCHASE PRICE OF CONTAINERS AND CASE			
	Container and case size	Class of purchaser	Amount of agreed repurchase price or deposit as of date of this report	

Remarks:

This regulation shall become effective December 18, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Issued this 12th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18826; Filed, Dec. 12, 1944;  
11:44 a. m.]

#### PART 1436—PLASTICS AND SYNTHETIC RESINS

[MPR 345,<sup>1</sup> Amdt. 2]

##### THERMOPLASTIC SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The first two sentences of the introductory paragraph of § 1436.13 (a) (3) of Maximum Price Regulation No. 345 are amended to read as follows:

\*Copies may be obtained from the Office of Price Administration.  
<sup>1</sup> 8 F.R. 3320, 3795.

(3) "Scrap" is material which has been salvaged or is being sold for salvage purposes or is left over from fabricating operations even though usable without further processing in the same manner as new material. It does not include material which has been salvaged by its manufacturer before its initial sale or left over from fabricating operations and recut to standard sizes for sale under new material specifications (such material is priced under other regulations), nor does it include any material which contains less than 15% of purchased salvage or salvaged material, and which its manufacturer sells under standard new material specifications.

This amendment shall become effective December 18, 1944.

Issued this 12th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18824; Filed, Dec. 12, 1944;  
11:42 a. m.]

#### PART 1499—COMMODITIES AND SERVICES

[MPR 211,<sup>1</sup> Amdt. 8]

##### COTTON GINNING SERVICES AND BAGGING AND TIES<sup>2</sup>

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation 211 (Cotton Ginning Services and Bagging and Ties) is amended in the following respects:

1. At the end of § 1499.552 (a) (4) the word "or" is added.

2. Subparagraph (5) is added to § 1499.552 (a) to read as follows:

(5) In California (i) 28½ cents per hundredweight of seed cotton for ginning picked cotton and 31 cents per hundredweight of seed cotton for ginning bollies or snapped cotton; and (ii) for any other cotton ginning services, for which a separate charge was made by the ginner during the base period, 110 percent of the highest dollars- and-cents charged by the ginner for selling or supplying such services to a purchaser of the same general class during the base period.<sup>3</sup>

<sup>3</sup> If a ginner did not in the base period separate his charge for other ginning services from his charge for ginning, he is permitted under pricing method (5) to charge only the rates specified in subdivision (i) with no additions.

This amendment shall become effective December 11, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18775; Filed, Dec. 11, 1944;  
5:02 p. m.]

<sup>1</sup> 7 F.R. 6628, 7322, 7406, 7813, 8237, 8943;  
8 F.R. 11249, 12634; 9 F.R. 7616.

<sup>2</sup> Title as amended by Amendment 5, 8 F.R. 11249, effective 8/11/43.



## Chapter XVIII—Office of Economic Stabilization

## PART 4001—WAGES AND SALARIES

## MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President by the Constitution and laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law 729, 77th Congress, 2d Session), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Public Law 34, 78th Congress, 1st Session) and by the Stabilization Extension Act of 1944 (Public Law 383, 78th Congress, 2d Session), and vested in turn by the President in the Economic Stabilization Director by Executive Order 9328 (8 F.R. 4681), the following amendments to the revision of regulations promulgated by the Director of Economic Stabilization dated August 28, 1943 (8 F.R. 11960) are hereby promulgated, effective as of October 2, 1942.

1. Section 4001.1 (h) (2) is amended to read as follows:

(2) Amounts paid by an employer on account of insurance premiums on a policy on the life of an employee, the beneficiaries of which are designated by the employees, to the extent that they do not exceed 5 percent of the employee's annual wages or salary determined without the inclusion of insurance and pension benefits and without the inclusion of bonus and additional compensation. The type of insurance on the life of the employee referred to in this section is the ordinary or whole life policy which does not provide for a cash surrender or loan value, or both, amounting to a large percentage of the premiums paid. For example, premiums on endowment policies, single premium life insurance policies, fixed payment life insurance policies, and other similar policies shall be considered wages or salary. The payment of insurance premiums on ordinary or whole life policies referred to above must be for the benefit or more than a small number of selected employees.

Premiums paid by an employer on policies of group life insurance without cash surrender value covering the lives of his employees, or on policies of group health, hospitalization, or accident insurance covering his employees, the beneficiaries of which are designated by such employees, do not constitute wages or salary (regardless of the amount of wages or salary otherwise received annually by such employees).

2. Section 4001.15 is amended by substituting for the present provision the following:

## § 4001.15 Effect of unlawful payments.

(a) If any wage or salary payment is determined by the Board, the Commissioner, or the War Food Administrator, as the case may be, to have been made

by an employer in contravention of the act or the regulations, rulings, or orders promulgated thereunder, the entire amount of such payment (except as provided in (b) and (c) below) shall be disregarded by the Executive Departments and all other agencies of the Government in determining costs or expenses of any such employer for the purpose of any law or regulation whether heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Except as provided in (b) below, the Board, the Commissioner, or the War Food Administrator, as the case may be, shall certify to such departments and agencies, to be disregarded by them, the amount of the wage or salary paid or accrued, and not merely an amount representing the increase or decrease made in such wage or salary in contravention of the act or regulations, rulings, or orders promulgated thereunder.

(b) The Board, the Commissioner, or the War Food Administrator, as the case may be, is authorized, in any case in which it has been found that an employer has made wage or salary payments in contravention of the act, to determine, in the light of such extenuating circumstances as are found to be present in each case and all other pertinent considerations: (1) An amount, less than the full amount prescribed in (a) above, which shall be disregarded by the Executive Departments and other agencies of the government, and (2) the particular departments or other agencies of the government by which the amount shall be disregarded, and to certify such amounts to such agencies.

(c) Any such determination by the Board, the Commissioner, or the War Food Administrator shall be conclusive and the Executive Departments and the other agencies of the government which receive such certifications shall disregard the amount thus certified in determining the employer's costs or expenses for the purpose of any law or regulation including the Emergency Price Control Act of 1942 or any maximum price regulation thereunder; or for the purpose of calculating deductions under the revenue laws of the United States; or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States.

(d) Payments made or received in violation of any regulations, rulings, or orders promulgated under the authority of the act are subject to the penal provisions of the act.

Dated this 30th day of November 1944.

FRED M. VINSON,  
Economic Stabilization Director.

[F. R. Doc. 44-18829; Filed, Dec. 12, 1944;  
11:54 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

## Chapter I—Interstate Commerce Commission

## Subchapter A—General Rules and Regulations

## PART 95—CAR SERVICE

[S. O. 260]

## SALTING OF ICE ON CARS OF CITRUS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of December, A. D. 1944.

It appearing, that the salting of ice in bunkers of refrigerator cars loaded with citrus fruits originating at points in Arizona, California, Florida, or Texas, impedes unduly the use, control, supply, movement, and distribution of such cars; in the opinion of the Commission an emergency exists requiring immediate action.

It is ordered, that:

(a) *Bunker ice not to be salted.* No common carrier by railroad subject to the Interstate Commerce Act, subject to the exception shown below, shall put salt on, or mix salt with, or allow or permit salt to be put on, or mixed with, ice in the bunkers of a refrigerator car, or cars loaded, or to be loaded, with citrus fruits originating at any point or points in the States of Arizona, California, Florida, or Texas.

*Exception:* The provisions of this order shall not apply to the placing, by the shipper or his agent at the loading point after the car has been set for loading, of salt on, or mixing of salt with, ice in the bunkers of cars loaded, or to be loaded, with citrus fruits, during the process of precooling such cars prior to their movement in road-haul service provided, that such salting of cars by shippers during precooling at loading points involves no additional switch service by any carrier.

(b) *Application.* The provisions of this order shall apply only to shipments billed or moving from the primary point of origin on or after the effective date hereof.

(c) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each railroad affected by this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein affected by this order. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that the provisions of this order shall become effective at 12:01 a. m., December 13, 1944, and shall remain in effect until further order of the Commission; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms



of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-18806; Filed, Dec. 12, 1944;  
10:57 a. m.]

#### Subchapter D—Freight Forwarders

[Ex Parte No. 159]

#### PART 405—SURETY BONDS AND POLICIES OF INSURANCE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 11th day of October, A. D. 1944.

In the matter of security for protection of the public as provided in part IV of the Interstate Commerce Act, and of rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the act.

It appearing, that by order dated September 13, 1943, the Commission, by Division 5, entered upon an investigation into and concerning security for the protection of the public as provided in part IV of the Interstate Commerce Act, and rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities and agreements by freight forwarders subject to part IV of the said act;

It further appearing, that a full investigation of the matters and things involved has been had, and that the Commission, by Division 5, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed, and from and after February 1, 1945, to be observed by freight forwarders subject to part IV of the said act, and by insurers, sureties, and other parties to the extent such rules are applicable to them:

Sec.	
405.1	Definitions.
405.2	General requirements.
405.3	Limits of liability.
405.4	Surety bonds.
405.5	Policies of insurance.
405.6	Surety bonds and policies of insurance.
405.7	Qualifications as a self-insurer and other securities or agreements.
405.8	Forms and procedure.
405.9	Approval and revocation by Commission.
405.10	Fiduciaries.
405.11	Notice.

AUTHORITY: §§ 405.1 to 405.11, inclusive, issued under 56 Stat. 285, 286, 49 U.S.C. 1003.

§ 405.1 *Definitions*—(a) *Freight forwarder*. The term "freight forwarder" means any person which (otherwise than as a carrier subject to part I, II, or III, of the Interstate Commerce Act) holds itself out to the general public to transport or provide transportation of property, or any class or classes of property, for compensation, in interstate commerce, and which, in the ordinary and usual course of its undertaking, (1) assembles and consolidates or provides for assembling and consolidating shipments of such property, and performs or provides for the performance of break-bulk and distributing operations with respect to such consolidated shipments, and (2) assumes responsibility for the transportation of such property from point of receipt to point of destination, and (3) utilizes, for the whole or any part of the transportation of such shipments, the services of a carrier or carriers subject to part I, II, or III of the act.

(b) *Motor vehicle*. The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails: *Provided, however*, That the following combinations will be regarded as one motor vehicle, (1) a tractor and trailer or semitrailer when the tractor is engaged in drawing the trailer or semitrailer, and (2) a truck and trailer when both together bear a single load.

(c) *Any one conveyance*. The term "any one conveyance" means any one railroad car, motor vehicle, truck, trailer, semitrailer, or any other vehicle (except a watercraft) used in the transportation of property with respect to which a freight forwarder performs service subject to part IV of the Interstate Commerce Act.

(d) *Any one watercraft*. The term "any one watercraft" means any one vessel or other artificial contrivance of whatever description used or capable of being used, or intended to be used in the transportation by water of property with respect to which a freight forwarder performs services subject to part IV of the Interstate Commerce Act.

(e) *Fiduciary*. The term "fiduciary" shall have the meaning ascribed to it in § 415.6 (a) of this chapter.

(f) *Other terms*. Where any other terms used in these rules are defined in section 402 (a) of part IV of the Interstate Commerce Act, such definitions to the extent applicable shall be controlling. Where terms are used in the rules which are neither defined herein nor in said section 402 (a), they shall have the ordinary practical meaning of such terms giving due consideration to the purpose of these rules in relation to the Interstate Commerce Act.

§ 405.2 *General requirements*—(a) *Cargo*. No freight forwarder shall engage or continue in service subject to part IV of the Interstate Commerce Act, unless and until there shall have been filed with and approved by the Commis-

sion a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer or other securities or agreements, in not less than the amounts hereinafter prescribed, conditioned to pay within the amount of such surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements for loss of or damage to property with respect to which said freight forwarder performs service subject to part IV of the act.

(b) *Public liability and property damage*. No freight forwarder shall engage or continue in the performance of transfer, collection, and delivery service subject to part IV of the Interstate Commerce Act unless and until there shall have been filed with and approved by the Commission a surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements, in not less than the amounts hereinafter prescribed, conditioned to pay within the amount of such surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualifications as a self-insurer, or other securities or agreements, any final judgment recovered against such freight forwarder on account of bodily injuries to or death of any person, or loss of or damage to property, except property referred to in paragraph (a) of this section, resulting from the negligent operation, maintenance, or use of motor vehicles operated by or under its direction and control in the performance of transfer, collection, or delivery service.

§ 405.3 *Limits of liability*. The minimum amounts referred to in § 405.2 are hereby prescribed as follows:

(a) *Cargo*. Limits for loss of or damage to property with respect to which a freight forwarder performs service subject to part IV of the act:

(1) For loss of or damage to property while carried on or resting in any one conveyance, other than a watercraft—\$1,000.

(2) For loss of or damage to or aggregate of losses of or damages to property occurring at any one time and place, or while carried on or resting in any one watercraft—\$2,000.

(b) *Public liability and property damage*. Limits for bodily injury to or death of any person, or loss of or damage to property, except property referred to in paragraph (a) of this section:

(1) For bodily injuries to or death of one person—\$5,000.

(2) For bodily injuries to or death of all persons injured or killed in any one accident, subject to a maximum of \$5,000 for bodily injuries to or death of one person—\$10,000.

(3) For loss of or damage in any one accident to property, excluding cargo, of others—\$1,000.

§ 405.4 *Surety bonds*—(a) *Surety companies*. Each surety bond filed with the Commission for approval shall be for limits of liability not less than the minimum amounts provided in § 405.3.



Corporations only may qualify to act as surety. In each case in which the surety on any bond is a surety company, such company must be one approved by the United States Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies.

(b) *Other corporations.* A corporation, other than a surety company described in paragraph (a) of this section, seeking to act as surety on any bond must establish to the satisfaction of the Commission its corporate authority and financial ability to assume and discharge the obligations involved, and that it has by written power of attorney appointed some person residing in each State wherein such suretyship is to be undertaken, who shall be a citizen of that State, as its agent upon whom may be served lawful process against the said corporation with respect to any obligation arising out of its undertaking. Duplicate originals of such powers of attorney, duly certified and authenticated, must be filed with the Commission. It shall be the duty of such corporation to maintain agents in each State wherein its surety obligations exist for such time as the surety bond or bonds is or are in effect, and to notify the Commission with respect to any changes in its agency appointments.

§ 405.5 *Policies of insurance.* Each policy of insurance in connection with which a certificate of insurance is filed with the Commission shall be for limits of liability not less than the minimum amounts provided in § 405.3, and each policy shall be amended by attachment of the appropriate endorsement prescribed, pursuant hereto to insure compliance with this part. Policies of insurance, as amended by such endorsements, covering bodily injury liability, property damage liability, and cargo liability must meet the requirements of § 405.6 and be written by insurance companies which qualify thereunder.

§ 405.6 *Insurance companies—(a) State authority.* No policy of insurance (or certificate of insurance in lieu thereof) will be approved by the Commission under the regulations in this part unless written or issued by an insurance company legally authorized to issue such a policy in each State in which the insured freight forwarder is authorized to perform service under part IV of the Interstate Commerce Act, and such insurance company fully complies with paragraph (b) of this section; *Provided, however,* That the Commission will approve certificates of insurance from two or more insurance companies, or a certificate of insurance and a surety bond, in lieu of a certificate of insurance from one company if such certificates, or certificate and surety bond, each provide the prescribed coverage for separate States and collectively provide all the coverage prescribed in the regulations in this part.

(b) *Financial resources.* Each insurance company must possess the minimum financial resources applicable to it as hereinafter provided, which minimum will be determined on the basis of

the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the State of domicile (home State) of such property, except in instances where, in the judgment of the Commission, additional evidence with respect to such values is considered necessary.

(1) Stock corporations must have and maintain minimum policyholders' surplus funds of \$200,000, of which paid-in capital shall be not less than \$150,000.

(2) Non-stock corporations and other non-stock organizations or associations issuing non-assessable policies of insurance must have and maintain surplus funds (policyholders' surplus) in excess of all liabilities of not less than \$200,000.

(3) Non-stock corporations and other non-stock organizations or associations, issuing policies of insurance on an assessable basis only, must have and maintain surplus funds (policyholders' surplus) in excess of all liabilities of not less than \$150,000.

§ 405.7 *Qualifications as a self-insurer and other securities or agreements—(a) Self-insurer.* The Commission will give consideration to and will approve the application of a freight forwarder to qualify as a self-insurer if such freight forwarder furnishes a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such freight forwarder to satisfy its obligations for bodily-injury liability, property-damage liability, and cargo liability without affecting the stability or permanency of the business of such freight forwarder.

(b) *Other securities and agreements.* The Commission will also consider applications for approval of other securities or agreements and will approve any such applications if satisfied that the security or agreement offered will afford the security for the protection of the public contemplated by section 403 (c) and (d) of part IV of the Interstate Commerce Act.

§ 405.8 *Forms and procedure—(a) Forms.* Endorsements for policies of insurance, surety bonds, certificates of insurance, applications to qualify as a self-insurer or for approval of other securities or agreements, notices of cancellation, rescinders of notices of cancellation, and reinstatement notices all must be in accordance with any forms prescribed and approved by the Commission.

(b) *Procedure.* Certificates of insurance, surety bonds, notices of cancellation, rescinders of notices of cancellation, and reinstatement notices must be filed with the Commission in triplicate. Upon receipt and approval of either of the first two named, one copy will be stamped "received and approved" and returned to the home or principal office of the insurance or surety company.

(c) *Names.* Insurance policies and surety bonds shall be written in the full and correct name, including the trade name if any, of the individual, partnership, corporation, or other person to whom or which the permit under part IV of the Interstate Commerce Act, is is-

sued or is to be issued. In the case of a partnership all partners shall be named.

(d) *Cancellation.* Surety bonds, policies of insurance, endorsements or certificates of insurance, and other securities and agreements shall not be canceled or withdrawn until after 30 days' notice in writing has first been given by the insurance company or companies, surety or sureties, freight forwarder, or other party thereto, as the case may be, to the Commission at its office in Washington, D. C., which period of 30 days shall commence to run from the date such notice is actually received at the office of the Commission.

(e) *Rescinder of notice of cancellation.* Notices of cancellation of surety bonds, certificates of insurance, and of other securities and agreements filed with the Commission may be rescinded by filing with the Commission a rescinder of notice of cancellation provided such rescinder is received by the Commission prior to the date the cancellation becomes effective.

(f) *Reinstatement.* Surety bonds, certificates of insurance, or other securities and agreements on file with the Commission, which have been canceled may be reinstated by filing with the Commission a reinstatement notice if, in the judgment of the Commission, the said securities still afford the public the protection contemplated by the regulations in this part.

§ 405.9 *Approval and revocation by Commission.* The Commission may, at any time, refuse to accept or may revoke its approval of any surety bond, policy of insurance (or certificate of insurance in lieu thereof), qualification as a self-insurer, or other securities or agreements if, in its judgment, such security does not comply with the regulations in this part or, for any reason, fails to provide satisfactory or adequate protection for the public.

§ 405.10 *Fiduciaries—(a) Interpretations.* The terms "insured" and "principal" as used in policies of insurance (or certificate of insurance in lieu thereof), endorsements prescribed hereunder attached to such policies of insurance, surety bonds, notices of cancellation, rescinders of notices of cancellation, and notices reinstating policies of insurance and surety bonds, issued in connection therewith and filed by or on behalf of a freight forwarder under the regulations in this part, shall be construed to include not only the freight forwarder named in the policy, certificate, bond, endorsement, rescinder or notice, but also, upon compliance with the conditions as to notice prescribed in paragraph (b) of this section, the fiduciary of such freight forwarder.

(b) *Notice required.* The coverage of a fiduciary provided for in paragraph (a) of this section shall attach at the moment of succession if written notice of the succession be given to each insurer or surety of such freight forwarder within 30 days from the date upon which such fiduciary shall have succeeded to such freight forwarder. It shall be the duty of such fiduciary to give the notice



above described, but such notice shall be fully effective if it be given by the interstate Commerce Commission or by any person having an interest in the coverage of such fiduciary.

(c) *Span of security coverage.* The coverage furnished under the provisions of this section on behalf of a fiduciary shall not apply subsequent to the effective date of other insurance, or other security, filed with and approved by the Commission in behalf of such fiduciary. After the coverage provided in this section shall have been in effect 30 days, it may be canceled or withdrawn within the succeeding period of 30 days by the insurer, the insured, the surety, or the principal upon 10 days' notice in writing to the Commission at its office in Washington, D. C., which period of 10 days shall commence to run from the date such notice is actually received by the Commission. After such coverage has been in effect for a total of 60 days, it may be canceled or withdrawn only in accordance with § 405.8 (d).

§ 405.11 *Notice.* Service of the regulations in this part shall be made by mailing a copy thereof to all freight forwarders subject to part IV of the Interstate Commerce Act, and by posting one copy in the office of the Secretary of this Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-18827; Filed, Dec. 12, 1944;  
10:57 a. m.]

[Ex Parte No. 159]

#### PART 405—SECURITY BONDS AND POLICIES OF INSURANCE

##### FORMS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 11th day of October, A. D. 1944.

In the matter of security for protection of the public as provided in part IV of the Interstate Commerce Act, and of rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the act.

The matter of forms for use in the administration of the rules and regulations prescribed in the above-entitled proceeding being under consideration:

It is ordered, That forms, numbered as follows, which are attached<sup>1</sup> and contain the information called for therein shall be used:

FF. 31. Endorsement for freight forwarder policies of insurance for automobile bodily injury and property damage liability under section 403 (d) of the Interstate Commerce Act.

FF. 32. Endorsement for freight forwarder policy of insurance for cargo liability under section 403 (c) of the Interstate Commerce Act.

FF. 33. Freight forwarder automobile bodily injury liability and property damage liability certificate of insurance.

FF. 34. Freight forwarder cargo liability certificate of insurance.

FF. 35. Notice of cancellation of freight forwarder policy of insurance under part IV of the Interstate Commerce Act.

FF. 35A. Rescinder of notice of cancellation of freight forwarder policy of insurance under part IV of the Interstate Commerce Act.

FF. 35B. Notice reinstating freight forwarder policy of insurance under part IV of the Interstate Commerce Act.

FF. 36. Notice of cancellation of freight forwarder surety bond under part IV of the Interstate Commerce Act.

FF. 36A. Rescinder of notice of cancellation of freight forwarder surety bond under part IV of the Interstate Commerce Act.

FF. 36B. Notice reinstating freight forwarder surety bond under part IV of the Interstate Commerce Act.

FF. 37. Freight forwarder automobile bodily injury liability and property damage liability surety bond under section 403 (d) of the Interstate Commerce Act.

FF. 38. Freight forwarder cargo liability surety bond number section 403 (c) of the Interstate Commerce Act.

FF. 39. Application for authority to self-insure under section 403 (c) and (d) of the Interstate Commerce Act.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-18828; Filed, Dec. 12, 1944;  
10:57 a. m.]

#### TITLE 50—WILDLIFE

##### Chapter IV—Office of the Coordinator of Fisheries

[Order 1838, General Direction P-15]

#### PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

##### TEMPORARY SUSPENSION OF SMALL FISH DELIVERIES IN MONTEREY

Pursuant to paragraph (n) of Order 1838 of the Secretary of the Interior, as amended (9 F.R. 7171, 9749), the Pilchard Order, and because it is deemed necessary to accomplish the purposes of that order, General Direction P-13 (9 F.R. 11402) is hereby amended by adding thereto the following paragraph:

(f) *Temporary suspension of small fish deliveries.* Because of an emergency in the port of Monterey caused by unusually heavy deliveries of pilchard (sardines) in that port during October, 1944, deliveries in such large amounts that the fish cannot be processed advantageously with a view to achieving the objectives of the Pilchard Order, it is deemed advisable and necessary, at least as a temporary measure, to prohibit entirely delivery of small pilchard (sardines) in that port. Accordingly until further notice paragraph (e) and the application of paragraphs (a), (b) and (c) of General Direction P-13 to Monterey is suspended, effective immediately; and during the suspension

period no loads of small pilchard (sardines) whatsoever shall be delivered in that port. No person shall take delivery of any load of small pilchard (sardines) in that port, except with consent expressly applicable thereto given by the Port Supervisor or his Assistant with full knowledge of the facts. The definition in paragraph (d) of General Direction P-13 of the phrase "load of small pilchard" shall apply to this paragraph also. The port of Monterey for purposes of this paragraph shall be taken to include Moss Landing.

Dated: October 25, 1944.

KENNETH H. MOSHER,  
Acting Area Coordinator,  
Area II.

[F. R. Doc. 44-18801; Filed, Dec. 12, 1944;  
9:41 a. m.]

[Order 1838, General Direction P-16]

#### PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

##### RESTRICTIONS ON DECK LOADS IN MONTEREY

Pursuant to paragraph (n) of Order 1838 of the Secretary of the Interior, the Pilchard Order, as amended (9 F.R. 7171, 9749), because it is deemed necessary to accomplish the purposes of that order, since the fish brought in on the decks of pilchard vessels are usually not in fit condition for canning, and because only a comparatively small tonnage of fish can be reduced by the processing plants at Monterey during the balance of the current season under the laws of the State of California, the following General Direction P-16 is issued:

(a) No person operating a pilchard vessel of over 20 net tons shall bring it in to the Port of Monterey, including Moss Landing, carrying a deck load; all the fish caught or carried in the vessel shall be below its decks when the vessel approaches or arrives at that port.

Dated: December 4, 1944.

O. E. SETTE,  
Area Coordinator, Area II.

[F. R. Doc. 44-18802; Filed, Dec. 12, 1944;  
9:41 a. m.]

#### Notices

#### FEDERAL COMMUNICATIONS COMMISSION.

[Dockets Nos. 6694 and 6695]

PRESQUE ISLE BROADCASTING CO.

##### NOTICE OF HEARING

In re applications of Presque Isle Broadcasting Company (WERC); for construction permit to change frequency (File No. B2-P-3633); date filed June 7, 1944; for license to cover construction permit (B2-P-3633) and for authority to determine operating power by direct measurement (File Nos. B2-L-1833 and B2-Z-1631); date filed, October 2, 1944; class of service, broadcast; class of station, broadcast; location, Erie, Pennsyl-

<sup>1</sup> Filed with the Division of the Federal Register. Copies may be obtained from the Interstate Commerce Commission.



vania; operating assignment specified: Frequency 1230 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-entitled applications and has designated the matter for hearing upon the following issues:

1. To determine the areas and populations which would gain primary service from the operation of Station WERC, as proposed, and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WERC as proposed and Stations WCED (Du Bois, Pennsylvania) and WJTN (Jamestown, New York).

3. To determine the areas and populations which may be expected to lose service, particularly from Stations WCED and WJTN, should Station WERC operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine whether the granting of these applications would serve an outstanding public need or national interest within the meaning of the Commission's supplemental statement of policy of January 26, 1944.

5. To determine whether the granting of these applications would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of these applications.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Presque Isle Broadcasting Company, Radio Station WERC, 121 West Tenth Street, Erie, Pennsylvania.

Dated at Washington, D. C., December 11, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-18804; Filed, Dec. 12, 1944; 9:45 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-599]

TENNESSEE GAS AND TRANSMISSION CO.

### NOTICE OF APPLICATION

DECEMBER 11, 1944.

Notice is hereby given that on November 30, 1944, Tennessee Gas and Transmission Company, a Tennessee corporation having its principal place of business in Houston, Texas, filed with the Federal Power Commission its application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, for authority to construct and operate the following described facilities:

#### AREA A

(1) One mile of 4½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Odem field in San Patricio County, Texas.

(2) One mile of 4½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Riverside field in Nueces County, Texas.

(3) 11½ miles of 4½-inch O. D. pipe line, extending from applicant's main transmission pipe line to Quinto Creek field, Jim Wells County, Texas.

#### AREA B

(1) 6.8 miles of 6½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Tom O'Connor field in Refugio County, Texas.

(2) 4.5 miles of 6½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Refugio field in Refugio County, Texas.

(3) 10.8 miles of 4½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Heard field in Bee County, Texas.

#### AREA C

(1) 8 miles of 10¾-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Heyser field in Victoria County, Texas.

(2) 6 miles of 6½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Placedo field in Victoria County, Texas.

(3) 5.5 miles of 8½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the McFaddin field in Victoria County, Texas.

#### AREA D

(1) 2.16 miles of 6½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Menefee field in Wharton County, Texas.

(2) 7 miles of 4½-inch O. D. pipe line, extending from applicant's main transmission pipe line to the Hungerford field in Wharton County, Texas.

In addition to the above, applicant also seeks authority to construct and operate a dehydration plant on the site of its No. 4 compressing station in Jasper County, Texas, and to construct 20 houses for its employees at certain of its compressing stations.

According to the application, the gas and oil fields referred to above either have no market outlets for gas or have

only limited market outlets. It is also asserted that the gas in the fields located in Areas A-1, B-1, B-2, C-1, and C-2, above, is now being vented to the air in the course of production of crude oil.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 27th day of December, 1944, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 44-18803; Filed Dec. 12, 1944; 9:41 a. m.]

[Docket No. G-587]

GREENFIELD GAS CO., ET AL.

### ORDER FIXING DATE OF HEARING

DECEMBER 11, 1944.

In the matter of Greenfield Gas Company, Inc. and Greenfield Gas Company, Inc. vs. Panhandle Eastern Pipe Line Company.

It appears to the Commission that:

(a) On October 18, 1944, Greenfield Gas Company, Inc. (Greenfield) filed an application and complaint seeking:

(1) A certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of approximately five miles of 3-inch pipe line extending from Fortville, Indiana, in an easterly direction along Highway No. 67 to connect with an existing 4-inch pipe line of the Panhandle Eastern Pipe Line Company (Panhandle Eastern) extending from the latter's main transmission pipe line to Greenfield, Indiana; and

(2) An order of this Commission under section 7 (a) of the Natural Gas Act directing Panhandle Eastern to interconnect its aforesaid 4-inch line with Greenfield's proposed 3-inch pipe line, and to sell and deliver natural gas to Greenfield at such proposed interconnection.

(b) By letter dated October 28, 1944, a copy of the aforesaid application and complaint was served on Panhandle Eastern, and on November 15, 1944, Panhandle Eastern filed its answer requesting that Greenfield's application and complaint be dismissed, or, in the alternative, that any proceedings thereon be abated.

The Commission finds that:

It will be consistent with the public interest to set these matters for hearing as hereinafter ordered.

The Commission orders that:

(A) A public hearing be held commencing on December 21, 1944, at 10:00 a. m., in Room 401, State House, Indianapolis, Indiana, concerning the matters involved and the issues presented in this proceeding.

(B) Interested State commissions may participate in said hearing as provided



in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 44-18821; Filed, Dec. 12, 1944;  
11:35 a. m.]

# INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 729]

## RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, December 8, 1944, by Yankee Brokerage Company, of car IC 53637, potatoes, now on the Burlington Lines, to Clover & Wilson, Little Rock, Arkansas (Mo. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-18807; Filed, Dec. 12, 1944;  
10:57 a. m.]

[S. O. 70-A, Special Permit 730]

## RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, December 8 or 9, 1944, by Williams Brothers, of car PFE 63045, carrots, now on the Wabash Railroad, to Buck, Weiss, Rothman, Solomon, at Newark, New Jersey (P. R. R.), account of railroad error.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-18808; Filed, Dec. 12, 1944;  
10:57 a. m.]

# OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Divesting Order 92]

GEORG SZEKELY

In re: Patents of Georg Szekely.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof in and to the following patents:

Patent Number, Date, Inventor and Title

2,117,863; 5/17/38; Georg Szekely; Electrically Driven Compressor;  
2,143,391; 1/10/39; Georg Szekely; Electrically Driven Fluid Pump.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Georg Szekely and that Georg Szekely was a resident of Austria and Germany and was a national of foreign countries (Austria and Germany);

3. Having thereafter received an executed claim by or on behalf of Georg Szekely, residing in Haifa, Palestine, hereinafter called claimant, in which it was recited that the above identified patents were on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in Palestine; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of

the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States,

hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the Alien Property Custodian, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on May 23, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18719; Filed, Dec. 11, 1944;  
11:06 a. m.]

[Divesting Order 98]

FREYBERG BROS.-STRAUSS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

1. Having, on January 18, 1943, vested, by Vesting Order No. 666, as property of Jean Wagon, the property identified as follows:

Patent Number, Date, Inventor, and Title

1,990,849; 2/12/35; J. Wagon; Machine for and Method of Forming Tapes.

2. Having found in said Vesting Order No. 666 that Jean Wagon was a resident of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of Freyberg Bros.-Strauss, Inc., a corporation of New York, having its principal place of business at Stamford, Connecticut, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant as assignee, and that said claimant was at that time, and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant; and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and



Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States.

hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the Alien Property Custodian, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on October 31, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18721; Filed, Dec. 11, 1944;  
11:07 a. m.]

[Divesting Order 99]

MEEHANITE METAL CORP.

In re: Patents of Meehanite Metal Corp.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

*Patent Number, Date, Inventor, and Title*

1,683,714; 9/11/28; Karl Emmel and Hans Walbert; Process for the Production of Iron Castings with a Low Carbon Content.

1,887,453; 11/8/32; Karl Emmel; Method of Producing Cast Iron of High Qualities of Strength in a Cupola Furnace.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Karl Emmel and that Karl Emmel was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Meehanite Metal Corporation, a corporation of Tennessee, having its principal place of business at New Rochelle, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, as assignee of record in the United States Patent Office, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States,

hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the Alien Property Custodian, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on October 31, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18722; Filed, Dec. 11, 1944;  
11:07 a. m.]

[Divesting Order 96]

CORO, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian:

1. Having, on January 18, 1943, vested, by Vesting Order No. 666, as property of Gaston Candas, the property identified as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

*Patent Number, Date, Inventor and Title*

1,798,867; 3/31/31; Gaston Candas; Brooch and the Like.

2. Having found in said Vesting Order No. 666 that Gaston Candas was a resident of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of Cohn & Rosenberger, Inc., subsequently, by change of name, Coro, Inc., a corporation of New York, having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Having been advised of the summary determination issued by the Vested Property Claims Committee with respect to said claim, wherein it was determined upon the basis of the facts represented to said Committee that said property was at the time of vesting owned by claimant, as assignee of record in the United States Patent Office, and that the said claimant was at that time and at all times since then has been and now is a corporation organized in the United States; and that claimant is not a national of a designated enemy country; and that therefore the aforesaid vesting was effected under mistake of fact;

5. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor

in any manner created any right or interest in any person whomsoever;

6. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States,

hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the Alien Property Custodian, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on October 31, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18720; Filed, Dec. 11, 1944;  
11:06 a. m.]

[Vesting Order 4251]

DOMENICO AICARDI AND W. KORDES SOHNE

In re: Interests of Domenico Aicardi and W. Kordes Sohne in certain agreements with Jackson & Perkins Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Domenico Aicardi is a resident of Italy and is a national of a foreign country (Italy);

2. That W. Kordes Sohne is a business enterprise organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Domenico Aicardi;

4. That the property described in subparagraph 5 (b) hereof is property of W. Kordes Sohne;

5. That the property described as follows: (a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Domenico Aicardi by virtue of an agreement dated June 10, 1934 (including all modifications thereof and supplements thereto, if any) by and between Domenico Aicardi and Jackson & Perkins Company, which agreement relates, among other things, to Plant Patent No. 349, and

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in W. Kordes Sohne by virtue of an agreement dated September 30, and November 18, 1932 (including all modifications thereof and supplements thereto, if any) by and between W. Kordes Sohne and Jackson & Perkins Company, which agreement relates, among other things, to Plant Patent No. 484,



is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Italy and Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 31, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18723; Filed, Dec. 11, 1944;  
11:04 a. m.]

[Vesting Order 4252]

CHEMISCHE FABRIK VON HEYDEN, A. G.

In re: Patents and patent applications of Chemische Fabrik von Heyden, A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Chemische Fabrik von Heyden, A. G. is a corporation organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Chemische Fabrik von Heyden, A. G.;

3. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the

United States Letters Patent Identified in Exhibit A attached hereto and made a part hereof,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 31, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.  
EXHIBIT A

Patent Number, Date of Issue, Inventor and Title

1,694,497; 12/11/28; Rudolf Zellman, Dietrich Lammering; Plant disinfectant and method of producing the same.

1,707,828; 4/2/29; Carl Hermann von Hoessle, Walter Richter; Foll for ornamenting and printing purposes.

1,864,718; 6/28/32; Richard Feibelmann; Process for treating animal fibers.

1,890,603; 12/13/32; Richard Feibelmann; Composition of bleaching agents.

1,890,832; 12/13/32; Carl Hermann von Hoessle, Otto Martin Schade; Methods for drying thin cellulose sheets.

1,890,833; 12/13/32; Carl Hermann von Hoessle, Otto Martin Schade; Means for drying long webs of thin cellulose sheets.

1,892,548; 12/27/32; Richard Feibelmann; Compound and process for treating vegetable and animal fibers and fabrics.

1,892,657; 12/27/32; Carl Herman von Hoessle; Method of casting cellulose sheets from solutions of cellulose.

1,894,539; 1/17/33; Hans Mirau; Composition for disinfecting and bleaching and method of making the same.

1,918,884; 7/18/33; Rudolf Zellman; Thorium dioxide sol and method of making the same.

1,920,492; 8/1/33; Rudolf Zellman; Therapeutic silica compounds and method of making same,

1,922,006; 8/8/33; Carl Hermann von Hoessle; Method of making colloidal solutions of inorganic substances in polyalcohols.

1,922,007; 8/8/33; Rudolf Zellman; mass resembling ivory and method of making the same.

1,936,567; 11/21/33; Willy Rittler; Process for the manufacture of phenol from aromatic hydrocarbon halides.

1,944,568; 1/23/34; Hans Mirau; Process for manufacture of aromatic sulphodihalogenamides.

1,955,211; 4/17/34; Carl Hermann von Hoessle; Method of producing colloidal solutions of inorganic substances in polyalcohols and products obtained thereby.

1,957,908; 5/8/34; Curt Philipp; Esters of Carvacrol and their production.

1,961,834; 6/5/34; Friedrich A. Steingroever, Rudolf Zellman; Process for the manufacture of phenols from halogenated hydrocarbons.

1,964,999; 7/3/34; Curt Philipp; Method for rendering chloro-covacrol derivatives soluble and product obtained thereby.

1,969,166; 8/7/34; Carl Hermann von Hoessle; Process for making colloidal solutions of metals and of metallic compounds in polyalcohols and product obtained thereby.

1,991,726; 2/19/35; Otto Josef Boser; Composition of Matter.

2,051,782; 8/18/36; Kurt Buckheim & Curt Rath; Method for dehydrating phenols and mixtures containing phenols.

2,059,084; 10/27/36; Kurt Buckheim; Method for producing neutral esters of phosphoric acid.

2,078,323; 4/27/37; Rudolf Gebauer; C-amino-substituted barbituric acid derivatives and process for making the same.

2,079,383; 5/4/37; Curt Raeth, Karl Willy Rittler, Friedrich Arnold Steingroever; Manufacture of phenols.

2,082,233; 6/1/37; Carl Hermann von Hoessle, Richard Muller; Manufacture of preparations having an antiemetic action.

2,084,136; 6/15/37; Rudolf Gebauer; Barbituric acid containing in the 5 position a pyridine group and method of preparing the same.

2,099,325; 11/16/37; Rudolf Zellman, Richard Muller; Process for the manufacture of reactive thorium oxide and its transformation into thorium salts.

2,124,505; 7/19/38; Erich Haack, Rudolf Freiherr von Buddenbrock; Process for the manufacture of pyridine derivatives.

2,202,637; 5/28/40; Richard Muller, Harry Lee; Manufacture of thorium oxide and contact masses therefrom.

2,209,872; 7/30/40; Kurt Buckheim, Hellmuth Pfugk; Extraction of phenol from phenolic solutions.

2,280,600; 4/21/42; Richard Muller, Harry Lee; Mass capable of swelling and thickening agents.

[F. R. Doc. 44-18724; Filed, Dec. 11, 1944;  
11:04 a. m.]

[Vesting Order 4269]

METALLGESELLSCHAFT A. G., ET AL.

In re: Patents and interests of Metallgesellschaft A. G., Lurgi Gesellschaft für Wärmetechnik m. b. H. and American Lurgi Corporation in an agreement between American Lurgi Corporation and Otto H. Diercks.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Metallgesellschaft A. G. and Lurgi Gesellschaft für Wärmetechnik m. b. H. are corporations organized under the laws of and



having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That American Lurgi Corporation, a New York Corporation, is acting for, or on behalf of, a national of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Metallgesellschaft A. G. and Lurgi Gesellschaft für Wärmetechnik m. b. H.;

4. That the property described in subparagraph 5 (b) hereof is property of Metallgesellschaft A. G., Lurgi Gesellschaft für Wärmetechnik m. b. H. and American Lurgi Corporation;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

#### EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

1,690,933, 11/6/28; Otto Hubmann; Apparatus for distilling solid combustible carbonaceous material.

2,094,946; 10/5/37; Otto Hubmann; High-pressure, gas-making process.

2,148,948; 2/28/39; Otto Hubmann and Ludwig Ruckes; Device for discharging materials.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Metallgesellschaft A. G., Lurgi Gesellschaft für Wärmetechnik m. b. H. and American Lurgi Corporation, and each of them, by virtue of an agreement dated January 1, 1927 (including all modifications thereof or supplements thereto, if any) by and between American Lurgi Corporation and Otto H. Diercks, relating, among others, to Patent Number 1,690,933.

[F. R. Doc. 44-18725; Filed, Dec. 11, 1944; 11:04 a. m.]

#### [Vesting Order 4270]

VEREINIGTE DEUTSCHE METALLWERKE A. G.,  
ET AL.

In re: Patents and interests of Vereinigte Deutsche Metallwerke A. G. and Metallgesellschaft A. G. and American Lurgi Corporation in an agreement between Gulf Research and Development Corporation and American Lurgi Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Vereinigte Deutsche Metallwerke A. G. and Metallgesellschaft A. G. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That American Lurgi Corporation, a New York corporation, is acting for, and on behalf of, a national of Germany, and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Vereinigte Deutsche Metallwerke A. G. and/or Metallgesellschaft A. G. and/or American Lurgi Corporation;

4. That the property described in subparagraph 5 (b) hereof is property of Vereinigte Deutsche Metallwerke A. G. and/or Metallgesellschaft A. G.;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be

deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.  
EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in American Lurgi Corporation, Vereinigte Deutsche Metallwerke A. G. and Metallgesellschaft A. G., and each of them, by virtue of a license agreement dated December 14, 1933 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and Gulf Research and Development Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,790,643 and 2,003,728.

(b) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

2,030,417; 2-11-36; Hermann Von Forster; Internally insulated and waterproofed structure.

2,047,655; 7-14-36; Hermann Von Forster; Material for and Method of Covering Objects.

2,082,557; 6-1-37; Hermann Von Forster and Rudolf Haefner; Insulating Insert of Metal.

[F. R. Doc. 44-18726; Filed, Dec. 11, 1944; 11:04 a. m.]

#### [Vesting Order 4271]

FRIED. KRUPP GRUSONWERK A. G., ET AL.

In re: Interests of Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation in Contracts with American Smelting and Refining Company and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;



1. That Fried. Krupp Grusonwerk A. G. and Metallgesellschaft A. G., are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That American Lurgi Corporation, a New York Corporation, is acting for, and on behalf of, a national of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) (b) (c) (d) (e) hereof is property of Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation;

4. That the property described in subparagraph 5 (f) hereof is property of Fried. Krupp Grusonwerk A. G. and Metallgesellschaft A. G.;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

#### EXHIBIT A

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and

American Lurgi Corporation, and each of them, by virtue of an agreement dated March 12, 1929 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and American Smelting and Refining Company, which agreement relates, among other things, to United States Patent No. 1,618,204.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation, and each of them, by virtue of an agreement dated February 5, 1929 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and The New Jersey Zinc Company, which agreement relates, among other things, to United States Patent No. 1,728,681.

(c) All interest and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation, and each of them, by virtue of an agreement dated March 31, 1934 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and Matthiessen & Hegeler Zinc Company, which relates, among other things, to United States Patent No. 1,921,825.

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation, and each of them, by virtue of an agreement dated May 7, 1936 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and The Hegeler Zinc Company, which agreement relates, among other things, to United States Patent No. 1,705,128.

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation, and each of them, by virtue of an agreement dated June 21, 1937 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and American Zinc Lead and Smelting Company, which agreement relates, among other things, to United States Patents.

(f) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Fried. Krupp Grusonwerk A. G. and Metallgesellschaft A. G., and each of them, by virtue of an agreement (including all modifications thereof and supplements thereto, if any) evidenced by letters dated December 23, 1926; December 29, 1926; January 3, 1927 and January 14, 1927 by and between Fried. Krupp Grusonwerk A. G., Metallgesellschaft A. G. and American Lurgi Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,618,204.

[F. R. Doc. 44-18727; Filed, Dec. 11, 1944; 11:05 a. m.]

[Vesting Order 4272]

CARL HUNTEMUELLER, ET AL.

In re: Interests of Carl Huntemueller, Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. and Metallgesellschaft A. G. in contracts with each other or with American Lurgi Corporation relating to United States Letters Patent No. 1,716,059.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Carl Huntemueller is a resident of Germany and is a national of a foreign country (Germany);

2. That Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. and Metallgesellschaft A. G. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

3. That the property described in subparagraph 4 hereof is property of Carl Huntemueller and Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. and Metallgesellschaft A. G.;

4. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the rights to sue therefor) created in Metallgesellschaft A. G., Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. and Carl Huntemueller, and each of them, by virtue of any agreement or agreements between or among themselves or with American Lurgi Corporation relating to United States Letters Patent No. 1,716,059,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a



hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18728; Filed, Dec. 11, 1944;  
11:05 a. m.]

[Vesting Order 4273]

METALLGESELLSCHAFT A. G. AND LURGI  
GESELLSCHAFT FÜR CHEMIE UND HÜT-  
TENWESEN M. B. H.

In re: Interests of Metallgesellschaft A. G. and Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. in certain patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Metallgesellschaft A. G. and Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Metallgesellschaft A. G. and Lurgi-Gesellschaft für Chemie und Hüttenwesen m. b. H.

3. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an

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admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.  
EXHIBIT A

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

1,942,760; 1-9-34; Otto Kreissler; Process for making pulp from fibrous material.

1,986,760; 1-1-35; Otto Kreissler; Processes of producing cellulose from wood and other cellulose-containing material and apparatus therefor.

2,138,455; 11-29-38; Otto Kreissler; Method and means for circulating liquor in pulp cookers.

2,140,992; 12-20-38; Wilhelm Gensecke; Process for preventing incrustation of heating surfaces during the concentration of sulphite-cellulose waste liquor.

[F. R. Doc. 44-18729; Filed, Dec. 11, 1944;  
11:05 a. m.]

[Vesting Order 4274]

VEREINIGTE DEUTSCHE METALLWERKE A. G.  
AND AMERICAN LURGI CORP.

In re: Patents and interests of Vereinigte Deutsche Metallwerke A. G. and American Lurgi Corporation in an agreement with General Cable Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Vereinigte Deutsche Metallwerke A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That American Lurgi Corporation, a New York corporation, is acting for, and on behalf of, a national of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Vereinigte Deutsche Metallwerke A. G.;

4. That the property described in subparagraph 5 (b) hereof is property of Vereinigte Deutsche Metallwerke A. G. and/or American Lurgi Corporation;

5. That the property described as follows: Property identified in Exhibit A attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated,

sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

EXHIBIT A

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date of Issue, Inventor and Title

1,692,529; 11-20-28; Johann Zagorski; Machine for Making Hollow Tubes or Conductors.

1,706,833; 3-26-29; Johann Zagorski; Clamping Device for Attaching Conductors to Supporting & Tensioning Members.

1,706,972; 3-26-29; Johann Zagorski; Stretching Clamp.

1,706,973; 3-26-29; Johann Zagorski; Connector for Hollow Electrical Conductors or Tubes.

1,764,591; 6-17-30; Johann Zagorski; Brake Device for Laying Electrical Open Air Lines, Cables and the Like.

1,794,269; 2-24-31; Johann Zagorski; High Tension Conductor.

1,802,302; 4-21-31; Johann Zagorski; Hollow Conductor & Method of Manufacturing Same.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in American Lurgi Corporation and Vereinigte Deutsche Metallwerke A. G., and each of them, by virtue of an agreement dated May 20, 1932 (including all modifications thereof and supplements thereto, if any) by and between Vereinigte Deutsche Metallwerke A. G., American Lurgi Corporation and General Cable Corporation, which agreement relates, among other things, to United States Patent No. 1,802,302.

[F. R. Doc. 44-18730; Filed, Dec. 11, 1944;  
11:05 a. m.]



[Vesting Order 4275]

**METALLGESELLSCHAFT A. G. AND LURGI  
GESELLSCHAFT FÜR CHEMIE UND HÜT-  
TENWESEN M. B. H.**

In re: Patents and interests of Metallgesellschaft A. G. and Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. in an agreement between The Grasselli Chemical Company and American Lurgi Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Metallgesellschaft A. G. and Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That American Lurgi Corporation, a New York Corporation, is acting for, and on behalf of, a national of Germany and is a national of a foreign country (Germany);

3. That the property described in subparagraph 5 (a) hereof is property of Metallgesellschaft A. G. and Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H.;

4. That the property described in subparagraph 5 (b) hereof is property of Metallgesellschaft A. G., Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. and American Lurgi Corporation;

5. That the property described as follows:  
(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Metallgesellschaft A. G., Lurgi Gesellschaft für Chemie und Hüttenwesen m. b. H. and American Lurgi Corporation, and each of them, by virtue of an agreement dated October 19, 1933 (including all modifications thereof or supplements thereto, if any) by and between American Lurgi Corporation and The Grasselli Chemical Company, relating, among others, to Patent No. 1,976,162,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in

lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL]

**JAMES E. MARKHAM,  
Alien Property Custodian.**

**EXHIBIT A**

**Patent Number, Date of Issue, Inventor and Title**

Re. 18,929; 8-29-33; Carl Paul Debuch; Treatment of Ores with Gases in Rotary Furnaces.

1,976,162; 10-9-34; Carl Paul Debuch; Rotary Tube Furnace.

1,977,117; 10-16-34; Carl Paul Debuch; Process for Separate Recovery of Volatile Metals non-Metals or Volatile or Gaseous Metallic or Non-Metallic Compounds.

1,977,767; 10-23-34; Hans Klencke; Rotary Tube Furnace for Desulphurizing Ores in a Fine or Dustlike condition.

2,005,648; 6-18-35; Carl Paul Debuch and Ernst Markworth; Process of and Apparatus for the Heat Treatment of Substances in Rotary-Tube Furnaces.

2,019,397; 10-29-35; Carl Paul Debuch; Apparatus for Performance of Chemical Reactions such as Roasting, Calcining or Like.

2,026,775; 1-7-36; Carl Paul Debuch; Process for Sulphating Non-Ferrous Metals Contained in Ferruginous Sulphide Ores or Roasts.

2,039,062; 4-28-36; Carl Paul Debuch; Process for Performance of Chemical Reactions such as Roasting, Calcining or Like.

2,062,869; 12-1-36; Carl Paul Debuch and Ernst Markworth; Method of Conducting Chemical and Metallurgical Operations in a Rotary Furnace.

2,063,233; 12-8-36; Carl Paul Debuch; Rotary Tube Furnace.

2,069,875; 2-9-37; Carl Paul Debuch and Ernst Markworth; Process of and Apparatus for Roasting Ores.

2,091,850; 8-31-37; Kurt R. Gohre; Apparatus for Performance of Metallurgical or Chemical Reactions.

2,097,271; 10-26-37; Carl Paul Debuch and Ernst Markworth; Method for Treatment of Waste Sulphuric Acid.

2,116,679; 5-10-38; Kurt Rudolf Gohre; Process for Working Up of Lead Ores.

2,119,528; 6-7-38; Carl Paul Debuch and Ernst Markworth; Rotary Furnaces.

2,123,300; 7-12-38; Kurt Rudolf Gohre; Process for Working up Zinc Dust.

2,127,727; 8-23-38; Kurt Rudolf Gohre, Jakob Schwalb and Paul Speichert; Rotary Hearth Furnace.

2,136,434; 11-15-38; Kurt Rudolf Gohre; Process for Treating Lead Ore.

2,144,914; 1-24-39; Carl Paul Debuch; Process for Production of Metallic Zinc.

2,198,876; 4-30-40; Kurt Rudolf Gohre and Paul Jordan; Displaceable Rotary Furnace.

[F. R. Doc. 44-18731; Filed, Dec. 11, 1944; 11:06 a. m.]

[Vesting Order 4276]

**METALLGESELLSCHAFT A. G., ET AL.**

In re: Patents and interests of Metallgesellschaft A. G., I. G. Farbenindustrie A. G., Verein für Chemische und Metallurgische Produktion and American Lurgi Corporation in an agreement with Carbide and Carbon Chemicals Corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Metallgesellschaft A. G., Lurgi Gesellschaft für Wärmetechnik m. b. H. and I. G. Farbenindustrie A. G. are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. That American Lurgi Corporation, a New York corporation, is acting for, and on behalf of, a national of Germany and is a national of a foreign country (Germany);

3. That Verein für Chemische und Metallurgische Produktion is a company organized under the laws of and having its principal place of business in Czechoslovakia and is a national of a foreign country (Czechoslovakia);

4. That the property described in subparagraph 9 (a) hereof is property of I. G. Farbenindustrie A. G.;

5. That the property described in subparagraph 9 (b) hereof is property of Lurgi Gesellschaft für Wärmetechnik m. b. H.;

6. That the property described in subparagraph 9 (c) hereof is property of Metallgesellschaft A. G.;

7. That the property described in subparagraph 9 (d) hereof is property of Metallgesellschaft A. G. and/or Verein für Chemische und Metallurgische Produktion and/or I. G. Farbenindustrie A. G. and/or American Lurgi Corporation;

8. That the property described in subparagraph 9 (e) hereof is property of Metallgesellschaft A. G. and/or Verein für Chemische und Metallurgische Produktion and/or I. G. Farbenindustrie A. G.;

9. That the property described as follows:  
(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent identified in Exhibit A attached hereto and made a part hereof,

(b) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

**Patent Number, Date of Issue, Inventor and Title**

1,784,543; 12-9-30; Heinrich Bernhard Ruder, Production of Adsorbents.

(c) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent identified in Exhibit B attached hereto and made a part hereof,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Metallgesellschaft A. G., Verein für Chemische und Metallurgische Produktion, I. G. Farbenindustrie A. G. and American Lurgi Corporation, and each of



them; by virtue of an agreement dated November 1, 1937 (including all modifications thereof and supplements thereto, if any) by and between American Lurgi Corporation and Carbide and Carbon Chemicals Corporation, which agreement relates, among other things, to Patent No. 1,815,554.

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Metallgesellschaft A. G., I. G. Farbenindustrie A. G. and Verein für Chemische und Metallurgische Produktion, and each of them, by virtue of an agreement (including all modifications thereof and supplements thereto, if any) executed by Metallgesellschaft A. G. for itself, I. G. Farbenindustrie A. G. and Verein für Chemische und Metallurgische Produktion on February 7, 1938 and by American Lurgi Corporation on February 17, 1938, which agreement relates, among other things, to patents,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Czechoslovakia and Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

#### EXHIBIT A

##### Patent Number, Date, Inventor and Title

1,621,195; 3-15-27; Otto Ernst and Otto Nicodemus; Process for Preparing a Highly Active Charcoal.

1,638,070; 8-9-27; Heinz Thienemann; Process for the Prevention of Adhesion of the Charge during the Activation of Carbon.

1,641,281; 9-6-27; Paul Lueg, Julius Drucker and Heinz Thienemann; Process for Producing Active Carbon.

1,709,611; 4-16-29; Julius Drucker and Heinz Thienemann; Process for the Activation of Carbon.

1,815,554; 7-21-31; Alfred Engelhardt; Process for Separating Organic Gases or Vapors of Organic Products.

1,902,068; 3-21-33; Theodor Wilhelm; Highly Active Carbon and Process of Preparing It.

#### EXHIBIT B

##### Patent Number, Date, Inventor, and Title

1,617,960; 2-15-27; Georg Muller; Process of Recovering Adsorbed Material from Adsorptive Material.

1,702,311; 2-19-29; Vitalis Pantenburg; Process for Recovering Gases and Vapors from Gas Mixtures.

1,704,765; 3-12-29; Emil Friedrich Scheller; Process for Manufacturing Activated Charcoal.

1,784,536; 12-9-30; Vitalis Pantenburg; Process for Regeneration of Adsorption Material.

1,836,301; 12-15-31; Friedrich Jakob Bechthold; Regenerating Granular Adsorbents.

1,863,803; 6-21-32; Vitalis Pantenburg; Apparatus for the Regeneration of Adsorption Material.

1,865,667; 7-5-32; Gustav Bailleul; Activation of Carbonaceous Material.

1,868,417; 7-5-32; Anton Mackert; Purification of Aqueous Liquids and Particularly of Waste Water from Factories.

1,997,145; 4-9-35; Herbert Willy; Recovery of Hydrocarbons from Gases containing Constituents such as Diolefines and the Like.

[F. R. Doc. 44-18732; Filed, Dec. 11, 1944; 11:06 a. m.]

[Supp. Vesting Order 4367]

#### SAJI TRADING COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 469, dated December 9, 1942, that Saji Trading Company, Ltd., is a business enterprise within the United States and a national of a designated enemy country (Japan);

2. Finding that T. Saji, also known as Tanejiro Saji, has a claim against Saji Trading Company, Ltd., which is represented on the books and records of Saji Trading Company, Ltd., as an account payable in the amount of \$3,597.63 as of December 9, 1942, subject to any accruals or deductions thereafter, and which represents an interest in Saji Trading Company, Ltd.;

3. Finding that T. Saji, also known as Tanejiro Saji, whose last known address is Japan, is a national of a designated enemy country (Japan);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification,

and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of T. Saji, also known as Tanejiro Saji, in Saji Trading Company, Ltd., more fully described in subparagraph 2 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 28, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18733; Filed, Dec. 11, 1944; 11:06 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 10]

##### HILL TRUCK LINE

#### TERMINATION OF POSSESSION, CONTROL AND OPERATION

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Hill Truck Line by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. Termination of possession and control. Possession and control by the United States of the motor carrier transportation system of W. G. Hill and Gaylord Hill, doing business as Hill Truck Line, Adrian, Missouri, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby termi-



nated and relinquished as of 12:01 o'clock a. m., December 12, 1944. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 10."

Issued at Washington, D. C., this 11th day of December, 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 44-18771; Filed, Dec. 11, 1944;  
1:47 p. m.]

# OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Order 63]

HARRY A. TINT

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) Harry A. Tint, 1348 Chestnut Street, Philadelphia 7, Pennsylvania, (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
<i>Cents</i>				
La Intimidad.....	Priv. Stock #2.....	50	\$262.50	35
	Petit Cetros.....	50	190.00	26
	#4 E. C. S.....	1/40	212.00	28
	Demi Tasse.....	50	126.00	3 for 50
	Royalties.....	50	183.00	19
	Campana Chicas.....	25	246.00	33
	Delights.....	50	161.00	19
	Apollos.....	50	136.00	3 for 50
	Petit Obsequios.....	25	245.00	33
	Caranations.....	50	136.00	3 for 50
	Ambrosias.....	50	176.00	22
	Brevas.....	50	220.00	28
	Culebras.....	50	220.00	28
	Symbols.....	50	161.50	20
	#1 E. C. S. (Correderas).....	50	375.00	48
	#2 E. C. S. (Correderas).....	50	260.00	33
	#3 E. C. S. (Correderas).....	50	260.00	33
	#4 E. C. S. (Correderas).....	50	220.00	28
	#5 E. C. S. (Correderas).....	50	296.00	38
	#6 E. C. S. (Correderas).....	50	400.00	54
	#2.....	1/40	260.00	33
	#21.....	50	126.00	3 for 50
	#17.....	25	240.00	33
	#20.....	25	275.00	3 for \$1.10
	#25.....	25	380.00	47
	Demi Tasse Royal.....	50	126.00	3 for 50
H. Upmann.....	#23.....	50	126.00	3 for 50
	Luxury #1.....	25	400.00	54
	Luxury #2.....	25	367.00	50
	Luxury #3.....	25	247.00	33
	Luxury #4.....	25	210.00	28
	#8 E. C. S. (Correderas).....	50	145.00	19
	#10 E. C. S. (Correderas).....	50	210.00	28
	#12 E. C. S. (Correderas).....	50	247.00	33
	#14 E. C. S. (Correderas).....	50	249.00	35
	#14 E. C. S.....	BN 1/40	249.00	35
	#16 E. C. S. (Correderas).....	50	290.00	38
	#101 E. C. S. (Correderas).....	25	367.00	50
	#102 E. C. S. (Correderas).....	25	247.00	33
	#103 E. C. S. (Correderas).....	25	246.00	33
	#104 E. C. S. (Correderas).....	25	290.00	38
	Tres Tubas.....	25	324.00	(1)
Partagas.....	En Tout Cas.....	25	247.00	(2)
	Apollos.....	25	139.00	3 for 50
	Corona de Gustas.....	25	250.00	34
	Puritano Finas.....	25	148.50	20
	Parta Finas.....	50	154.00	19
La Intimidad.....	Conquerors.....	25	193.80	28
	Varieties.....	25	296.50	(3)
	Symbols.....	25	105.00	20

<sup>1</sup> \$44.00 per 100, sold only by box.

<sup>2</sup> \$32.00 per 100, sold only by box.

<sup>3</sup> \$38.00 per 100, sold only by box.

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein

results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed

by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 44-18765; Filed, Dec. 11, 1944;  
12:08 p. m.]

[MPR 260, Order 64]

HARRY A. TINT

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) Harry A. Tint, 1348 Chestnut Street, Philadelphia 7, Pennsylvania (hereinafter called "importer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:



## SCHEDULE A

[MPR 188, Order 958 Under Order 1444]

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Punch	#1 E. C. S. Correderas	50	\$368.00	50
	#2 E. C. S. Correderas	50	408.00	55
	#3 E. C. S. Correderas	50	247.00	33
	#4 E. C. S. Correderas	50	380.00	53
	#5 E. C. S. Correderas	50	225.00	31
	#6 E. C. S. Correderas	50	293.00	39
	#8 E. C. S. Correderas	50	247.00	33
	#10 E. C. S. Correderas	50	212.00	28
	#12 E. C. S. Correderas	50	180.00	24
	#14 E. C. S. Correderas	50	126.00	3 for 50
	#76 E. C. S. Correderas	50	262.00	36
	Macanudos E. C. S. Correderas	25	275.00	37
	X	50	136.00	3 for 50
	XXX	50	145.00	19
	XXXX	50	148.00	19
	2-VI	50	150.00	20
	Best Values	25	310.00	42
	Trump BN	50	190.00	25
H. Upmann	Coincidence Selection	25	250.00	3 for 100
	Centenials	25	250.00	3 for 100
Partagas	Cremas	25	250.00	33
	Clubman	25	300.00	39
	Eloijas	25	225.00	30
	Half a Corona	25	244.00	35
	Nationales Extra	25	300.00	40
	Partaga de Partaga #2	25	368.50	50
	Partaga de Partaga #3	25	250.00	33
	Cetros	25	425.00	55

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by

this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December, 1944.

JAMES F. BROWNLEE,  
Acting Administrator.

[F. R. Doc. 44-18766; Filed, Dec. 11, 1944;  
12:08 p. m.]

[MPR 188, Amdt. 1 to Rev. Order 821]

YOUNG MANUFACTURING CO., INC.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Revised Order No. 821 under § 1499.158 of Maximum Price Regulation 188 is amended in the following respect: The effective date of Revised Order No. 821 is amended to read, December 31, 1944.

This amendment shall become effective as of November 29, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18788; Filed, Dec. 11, 1944;  
5:03 p. m.]

JACK DE JONG & CO.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Order No. 1444 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries, at the various levels of distribution, of the career girl fashion sets manufactured by Jack de Jong & Company, 17 Waverly Place, New York, New York, are those set forth below:

Set No.	For sales by all persons to jobbers	For sales by all persons to retailers	For all sales at retail
0	Per set \$0.46	Per set \$0.57	Per set \$1.00
1	.55	.68	1.19
2	.91	1.14	1.98
3	1.37	1.71	2.98

These maximum prices are for the articles described in the manufacturer's application dated February 25, 1944. Sales by the manufacturer are f. o. b. factory, subject to a cash discount of 2% for payment within ten days. Sales by all other persons are subject to the seller's customary terms, discounts, allowances, and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser for resale in writing of the maximum prices and conditions established by this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18789; Filed, Dec. 11, 1944;  
5:03 p. m.]

[MPR 188, Order 959 Under Order 1444]

ARCHITECTOR CO.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Order No. 1444 under § 1499.159b of Maximum Price Regulation No. 188; it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries, at the various levels of distribution, of the



Junior stone block sets and senior model building sets manufactured by Architect Company, 17 Waverly Place, New York, New York, are those set forth below:

	For sales by all persons to jobbers	For sales by all persons to retailers	For all sales at retail
Junior stone block set:	Per set	Per set	Per set
No. 1.....	\$1.15	\$1.43	\$2.50
No. 2.....	2.28	2.85	5.00
No. 3.....	4.56	5.70	10.00
Senior model building set:			
No. 11.....	1.15	1.43	2.50
No. 12.....	2.28	2.85	5.00
No. 13.....	4.56	5.70	10.00
No. 14.....	6.85	8.55	15.00
No. 15.....	11.40	14.25	25.00

These maximum prices are for the articles described in the manufacturer's application dated February 25, 1944. Sales by the manufacturer are f. o. b. factory, subject to a cash discount of 2% for payment within ten days. Sales by all other persons are subject to the seller's customary terms, discounts, allowances, and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser for resale in writing of the maximum prices and conditions established by this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18790; Filed, Dec. 11, 1944;  
5:05 p. m.]

[MPR 188, Rev. Order 2790]

FORBERT CORP.

#### APPROVAL OF MAXIMUM PRICES

Order No. 2790 under § 1499.158 of Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, It is ordered:

(a) This revised order establishes maximum prices for sales and deliveries, of four coffee tables and two lamp tables manufactured by Forbert Corporation, McGaheysville, Virginia.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Coffee table.....	706	Each \$6.71	Each \$7.90
Coffee table (glass top).....	706	7.43	8.75
Coffee table.....	707	7.22	8.50
Coffee table (glass top).....	707	7.95	9.35
Lamp table.....	708	7.15	8.41
Lamp table (glass top).....	708	7.87	9.26

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 24, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this revised order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Coffee table, 706.....	\$7.90
Coffee table (glass top), 706.....	8.75
Coffee table, 707.....	8.50
Coffee table (glass top), 707.....	9.35
Lamp table, 708.....	8.41
Lamp table (glass top), 708.....	9.26

Article	Model	To jobbers or distributors who stock the hot plate	Maximum price to retailers
Hot plate.....	2 burner.....	\$2.50 + 25¢ tax = \$2.75 each.....	\$3.00 + 30¢ tax = \$3.30 each.

These prices are f. o. b. Chicago, Illinois and are subject to a cash discount of 2% ten days, net thirty days.

(b) The maximum price for all sales and deliveries at wholesale for the hot plate described in paragraph (a) above shall be the price set forth below as follows:

Article and Model:	Maximum price to retailers
Hot plate, 2 burner.....	\$3.00 + 25¢ tax = \$3.25

(c) The maximum prices for a sale at retail, by any person, of the hot plate described in paragraph (a) above shall be as follows:

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 24, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18791; Filed, Dec. 11, 1944;  
5:04 p. m.]

[MPR 188, Order 3068]

APPLIANCE MANUFACTURING CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Order Nos. 9250 and 9320, It is ordered:

(a) The maximum prices for all sales and deliveries by Appliance Manufacturing Company, 2208 Lincoln Avenue, Chicago 14, Illinois, of a hot plate of their manufacture, as described in their application dated October 26, 1944, after such article became subject to Maximum Price Regulation No. 188, are as follows:

Article and Model:	Maximum price to consumers
Hot plate, 2 burner.....	\$5.25 + 25¢ tax = \$5.50

(d) On each hot plate shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from him of the maximum price established by this order for resales by the purchaser. Since this order also establishes maximum prices for sales by all jobbers to jobbers and retailers, each jobber who resells any



commodity covered by this order must notify his purchaser of the maximum prices established by this order for sales by the purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3068 may be revoked or amended by the Price Administrator at any time.

This Order No. 3068 shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18792; Filed, Dec. 11, 1944;  
5:05 p. m.]

[MPR 188, Order 3069]

DICTOGRAPH PRODUCTS, INC.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, it is ordered:

(a) Dictograph Products, Inc., 580 Fifth Avenue, New York 19, New York, the manufacturer, and any other person may sell and deliver the wearable hearing aids and parts, listed below, to each class of purchaser at prices no higher than those set forth opposite each article:

Article	Maximum price to distributors	Maximum price to dealers	Maximum price to consumers
A-80 Acousticon (complete instrument):			
With bone receiver	65.77	78.92	131.54
With midget receiver	63.03	75.63	126.06
With crystal receiver	65.68	78.82	131.37
A-70 Acousticon (complete instrument):			
With bone receiver	59.34	71.21	118.68
With midget receiver	56.52	67.83	113.05
With crystal receiver	60.72	72.86	121.44
A-55 Acousticon (complete instrument):	83.25	99.90	166.80
A-25 Acousticon (complete instrument):	74.25	89.10	148.50
A-80 and A-70 Acousticon parts:			
Power cord	1.50	1.80	3.00
Receiver cord	1.00	1.21	2.01
Bone receiver	12.70	15.24	25.40
Midget receiver	12.54	15.05	25.08
Headband	79	95	1.50
Crystal receiver	12.50	15.00	25.00
A-80 transmitter	60.93	73.11	121.96
A-70 transmitter	53.79	64.55	107.59
A-55 Acousticon parts:			
Transmitter	68.50	79.80	133.00
Receiver cord	1.00	1.20	2.00
Battery case	1.00	1.20	2.00
Bone receiver	12.50	15.00	25.00
Circular receiver	12.50	15.00	25.00
Midget receiver	12.50	15.00	25.00
Crystal receiver	12.50	15.00	25.00
Headband	75	90	1.50
Power cord—90894	2.25	2.70	4.50
Power cord—90957	1.57	1.89	3.15
A-25 Acousticon:			
Transmitter	40.75	48.90	81.50
Transmitter cord	1.00	1.20	2.00
Amplifier (A-1, A-2, A-3)	17.50	21.00	35.00
Receiver cord	75	90	1.50

Article	Maximum price to distributors	Maximum price to dealers	Maximum price to consumers
A-25 Acousticon—Continued.			
Adjustable hearing aid support (bandeau)	1.00	1.20	2.00
Bone receiver	12.50	15.00	25.00
Circular receiver	12.50	15.00	25.00
Midget receiver	12.50	15.00	25.00
Headband	75	90	1.50
ACOUSTICON MISCELLANEOUS PARTS			
Receivers:			
Coronation Midget	12.50	15.00	25.00
Coronation Bone	12.50	15.00	25.00
Headbands:			
Circular receiver and bone receiver (all models)	75	90	1.50
Amplifiers:			
Series "A" amplifiers	17.50	21.00	35.00
Receiver cords:			
Supranant receiver cord for A-55	1.13	1.35	2.25
Braid receiver cord for A-55 (used with crystal receiver)	1.00	1.20	2.00
Featherweight receiver cord for A-55 (used with crystal receiver)	1.00	1.20	2.00
Battery supports:			
Women's battery support	1.00	1.20	2.00
Women's leg battery support	1.00	1.20	2.00
Men's battery support	1.00	1.20	2.00
Molds:			
Left or right stock mold	75	90	1.50
Custom mold	1.75	2.10	3.50

These prices are subject to the seller's terms, discounts, allowances, guarantees, and other price differentials customarily allowed or charged to each class of purchaser, except that a handling charge of \$1.00 on the A-70 model, \$1.50 on the A-80 model instruments may be made for repair services required by consumers more than 30 days from date of purchase, but within the one year guarantee period.

(b) At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order each seller shall notify the purchaser, in writing, of the maximum resale prices and conditions established by this order. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18793; Filed, Dec. 11, 1944;  
5:09 p. m.]

[MPR 188, Order 3070]

ANDERSON MATTRESS CO., INC.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with § 1499.158 of Maximum Price Regulation No. 188; it is ordered:

(a) This order establishes maximum prices for sales and deliveries of a line of mattresses manufactured by Anderson

Mattress Company, Inc., 1200 East Thirty-second Street, Anderson, Indiana.

(1) For all sales by the manufacturer to Radio Equipment Company, Indianapolis, Indiana, from the time Maximum Price Regulation No. 188 became applicable to those sales and deliveries, the maximum prices are as follows:

Article and description:	Maximum price to Radio Equipment Co.
Mattress, 45 lb. cotton	\$5.20
Mattress, 55 lb. plated	7.20
Mattress, 50 lb. felt	8.78
Mattress, 60 lb. felt (damask cover)	11.65
Mattress, 55 lb. felt (damask cover)	14.40
Mattress, Hollywood bed set (including boxspring and felt mattress)	28.25

These maximum prices are subject to the seller's customary terms, discounts and allowances on sales of these articles.

(2) For sales by the Radio Equipment Company, Indianapolis, Indiana, to retailers, the maximum prices are those set forth below:

Article and description:	Maximum price to retailers by Radio Equipment Company
Mattress, 45 lb. cotton	\$5.00
Mattress, 55 lb. plated	8.45
Mattress, 50 lb. felt	10.35
Mattress, 60 lb. felt (damask cover)	13.70
Mattress, 55 lb. felt (damask cover)	16.90
Mattress, Hollywood bed set (including boxspring and felt mattress)	33.90

These maximum prices are subject to the seller's customary terms, discounts, allowances and other price differentials for sales to this class of purchaser.

(c) Notification. At the time of or prior to the first invoice to Radio Equipment Company, after the effective date of this order, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by Radio Equipment Company. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18794; Filed, Dec. 11, 1944;  
5:09 p. m.]

[MPR 188, Order 3071]

MODERN JUVENILE FURNITURE CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; it is ordered:

(a) This order establishes maximum prices for sales and deliveries, of a high chair and a juvenile table and chair set manufactured by Modern Juvenile Furniture Company, 179 Wooster Street, New York, New York.

(1) (i) For all sales and deliveries since the effective date of Maximum Price



Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
High chair.....	390	Each \$7.09	Each \$8.35
Juvenile table and chair set.....	280	6.86	8.08

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 23, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
High chair, 390.....	\$8.35
Juvenile table and chair set, 280.....	8.08

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 23, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18795; Filed, Dec. 11, 1944;  
5:03 p. m.]

[MPR 188, Order 3072]

HAYNES & WILKINSON Co.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of a table manufactured by Haynes & Wilkinson Co., Burlington-Graham Highway, P. O. Box 1326, Burlington, North Carolina.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who sell from their own stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who sell from their own stock	Maximum price to retailers
Table.....	110	Each \$8.72	Each \$10.90

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated October 25, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from their own stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Table, 110.....	\$10.90

This price is subject to a cash discount of two percent for payment within ten days, and is for the article described in the manufacturer's application dated October 25, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18796; Filed, Dec. 11, 1944;  
5:09 p. m.]

[MPR 188, Order 3073]

EDWARD KRUMPE

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of five (5) articles of occasional furniture known as "Baroque" tables manufactured by Edward Krumpe, 212 East 54th Street, New York 22, New York, as follows:

(1) For all sales and deliveries, since the effective date of Maximum Price Regulation No. 188, by the manufacturer to the following classes of purchasers the maximum prices are those set forth below:

Article	Model	Maximum price to persons, other than retailers, who sell the article from their own stock	Maximum price to persons, other than retailers, who sell the article from mfr's. stock	Maximum price to retailers
Table.....	Acanthus.....	\$46	\$48	\$70
	Spiral grape.....	46	48	70
	Shell.....	46	48	70
	Scroll.....	46	48	70
	Wheat.....	46	48	70

These prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942. The ad-



justment charges authorized by Order No. 1052 under Maximum Price Regulation No. 188 may not be added to the above maximum prices since the articles listed are not covered by that order.

(2) For all sales and deliveries, on and after the effective date of this order, to retailers by any person other than the manufacturer, the maximum prices are those set forth below:

Article and Model:	Maximum price to retailers
Table, Acanthus.....	\$70
Table, Spiral grape.....	70
Table, Shell.....	70
Table, Scroll.....	70
Table, Wheat.....	70

These prices are subject to the seller's customary terms, discounts, allowances and other price differentials.

(b) At the time of or prior to the first invoice to each purchaser for resale, other than a retailer, the manufacturer must notify the purchaser for resale, in writing, of the maximum prices established by this order for resales to retailers. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18797; Filed, Dec. 11, 1944;  
5:08 p. m.]

[MPR 188, Order 3074]

TRI-STATE CABINET CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a utility cabinet manufactured by Tri-State Cabinet Co., 1177 South Third Street, Memphis, Tennessee.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Utility cabinet.....	5	Each \$6.50	Each \$7.95

These prices are f. o. b. factory, and are subject to a cash discount of 2% for payment within ten days, net thirty days, and are for the articles described

No. 248—5

in the manufacturer's application dated October 28, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Utility Cabinet, 5.....	\$7.95

This price is subject to a cash discount of 2% for payment within ten days, net 30 days, and is for the item described in the manufacturer's application dated October 28, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18798; Filed, Dec. 11, 1944;  
5:08 p. m.]

[MPR 188, Order 3075]

BENJAMIN E. LEVIN

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a juvenile costumer manufactured by Benjamin E. Levin, 12 Harcourt Street, Boston, Massachusetts.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Juvenile costumer.....	-----	Each \$3.95	Each \$4.65

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated October 25, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article and Model No.:	Maximum price to retailers (each)
Juvenile Costumer.....	\$4.65

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated October 25, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this



order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18799; Filed, Dec. 11, 1944;  
5:04 p. m.]

[MPR 188, Order 3076]

AGNEW BOAT WORKS

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries; of three bookshelves manufactured by Agnew Boat Works, P. O. Box 521, Ontario, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Bookshelf.....	44A	Each \$2.67	\$3.15
Bookshelf.....	44B	Each 2.08	2.45
Bookshelf.....	44C	Each 1.70	2.00

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 26, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified, the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order

to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article and Model No.	Maximum price to retailers (each)
Bookshelf, 44A.....	\$3.15
Bookshelf, 44B.....	2.45
Bookshelf, 44C.....	2.00

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 26, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of December 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18800; Filed, Dec. 11, 1944;  
5:04 p. m.]

[MPR 260, Order 57]

JAGEMAN-BODE CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered, That:*

(a) Jageman-Bode Co., 1704 E. Jefferson St., Springfield, Ill. (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Lis.....	Panatela.....	50	\$145	Cents 20

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the dis-

counts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18778; Filed, Dec. 11, 1944;  
5:02 p. m.]

[MPR 260, Order 65]

ARCO CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Arco Cigar Co., 1921 12th Ave., Tampa 5, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver



and any person may buy, offer to buy or receive each brand and size of frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Tampa Sun.....	Long Sport.....	50	\$40	5 Cents
Garcla Master.....	Bankers.....	50	60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18779; Filed, Dec. 11, 1944; 5:08 p. m.]

[MPR 260, Order 66]

S. FRIEDER & SONS CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) S. Frieder & Sons Co., 3rd & Spruce Sts., Philadelphia, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Habanello.....	Commodore.....	50	\$72	9 Cts.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18780; Filed, Dec. 11, 1944; 5:06 p. m.]

[MPR 260, Order 67]

I. LEWIS CIGAR MFG. CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) I. Lewis Cigar Mfg. Co., 165 Morris Ave., Newark 3, N. J. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
S. Seidenberg & Co.	After Dinner Deluxe	50	\$75	10 Cts.
	Special Fancy Tales Deluxe Extra.	50	75	10

<sup>1</sup> Prices apply to indicated brand and size of cigars having wrappers made from either Type 61A or Type 62A tobacco of grades stated in applications.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942



on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18781; Filed, Dec. 11, 1944;  
5:05 p. m.]

[MPR 260, Order 68]

ENRICO CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) Enrico Cigar Co., 74 Park Place, Passaic, N. J. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Enrico.....	Palma.....	50	\$154.00	20
	Perfecto Extra.....	50	82.50	11
	Fancy Tales.....	50	115.00	15
	Corona Bouquet.....	50	90.00	12
	Queens.....	50	97.50	13

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18782; Filed, Dec. 11, 1944;  
5:07 p. m.]

[MPR 260, Order 69]

E. REGENSBURG & SONS

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) E. Regensburg & Sons, 468 Fourth Ave., New York 16, New York (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Admiration.....	Sublimes.....	50	\$75	10
Admiration.....	Majors.....	40	60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.



(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18783; Filed, Dec. 11, 1944;  
5:07 p. m.]

[MPR 260, Order 70]

BAYUK CIGARS, INC.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Bayuk Cigars, Inc., 9th St. & Columbia Ave., Philadelphia 22, Pa., (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Bayuk Ribbon	Londres	50	\$48	\$0.06
Bayuk Ribbon	Londres (seconds)	50	(1)	\$1.75

<sup>1</sup> None authorized.

<sup>2</sup> Price authorized only for sales to employees.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with

respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18784; Filed, Dec. 11, 1944;  
5:06 p. m.]

[MPR 260, Order 71]

ELCHO CIGAR CO.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (a) (8) of Maximum Price Regulation 260; *It is ordered, That:*

(a) The maximum list price of Elcho Cigar Company, 376 Atlantic Avenue, Boston 10, Massachusetts (hereinafter called "manufacturer"), for its sales on and after December 12, 1944 of Elcho Londres cigars manufactured by it, shall be \$115 per thousand in packings of five cigars per container, and the maximum retail price for such cigars shall be 15 cents each.

(b) In its sales of Elcho Londres cigars, the manufacturer shall grant the discounts and allow the packing differentials it customarily granted or allowed in March 1942 on its sales of that brand and size of cigars to purchasers of the same class, unless a change therein results in a lower price. The manufacturer may continue to charge, in its sales of that brand and size of cigars, the packing differentials it charged in such sales in March 1942, but may not increase those differentials.

(c) Maximum prices for sales of Elcho Londres cigars by wholesalers shall be determined in accordance with § 1358.102 (e) of Maximum Price Regulation 260. Maximum prices for sales of that brand and size of cigars by retailers

shall be determined in accordance with § 1358.102 (f) of Maximum Price Regulation 260.

(d) On or before making his first delivery to which the prices established by this order apply, the manufacturer and every other seller of Elcho Londres cigars (except a retailer) shall notify the purchaser of the maximum list price and maximum retail price established by this order for such brand and size of cigars. The notice shall conform to, and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation 260.

(e) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation 260 shall apply to sales for which maximum prices are established by this order.

(f) All prayers in the manufacturer's application not granted herein are denied.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18785; Filed, Dec. 11, 1944;  
5:08 p. m.]

[MPR 260, Order 72]

CORRAL, WODISKA Y CA.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Corral, Wodiska y Ca., Post Office Box 376, Tampa 1, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
La Dilligencia	Sublimes	50	\$90	Cents 12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corre-



sponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18786; Filed, Dec. 11, 1944;  
5:06 p. m.]

[MPR 260, Order 73]

A. SANTAELLA & CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) A. Santaella & Co., 1906 North Armenia St., Tampa 1, Florida (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Optimo.....	Blunts Extra.....	50	\$108.75	Cents 2 for 20

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 12, 1944.

Issued this 11th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18787; Filed, Dec. 11, 1944;  
5:06 p. m.]

[MPR 188, Order 58 to 2d Rev. Order A-3]

W. H. GUNLOCKE CHAIR CO.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* W. H. Gunlocke Chair Company, Wayland, New York, may sell and deliver the wood and upholstered office furniture of its manufacturer, at prices no higher than its net maximum prices for such sales in effect immediately prior to the effective date of this order, plus an adjustment charge of 2 percent of each such maximum price. This adjustment charge applies to every item for which a maximum price was established under Maximum Price Regulation No. 188 prior to the effective date of this order, and may be made and collected only if separately stated. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials to effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale, who handles the wood and upholstered office furniture for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of its distribution from the manufacturer to the user, may add to his properly established maximum prices for these articles, in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay the manufacturer, provided such amount is separately stated. The adjusted prices are subject to the seller's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(c) *Notification.* Every person who makes a sale or delivery at an adjusted price permitted by this order shall furnish the purchaser with an invoice containing the following notice:

#### NOTICE OF OPA ADJUSTMENT

Order No. 58 under 2d Revised Order A-3 under MPR 188 authorizes all sellers of the articles covered by this invoice to adjust their ceiling prices, in effect prior to December 8, 1944 by adding no more than the exact dollar-and-cents amount of the adjustment charge appearing on this invoice, provided that amount is separately stated on an invoice which contains this notice.

(d) *Profit and loss statements.* After the effective date of this order, W. H. Gunlocke Chair Company, shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.



This order shall become effective on the 8th day of December 1944.

Issued this 7th day of December 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-18805; Filed, Dec. 7, 1944;  
5:00 p. m.]

#### Regional and District Office Orders.

[Region VI Order G-34 Under SR 15, MPR  
280 and MPR 329, Amdt. 1]

#### FLUID MILK IN WILLMAR, MINN.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280 and § 1351.408 (b) of Maximum Price Regulation No. 329, It is ordered, That paragraph (b) of Regional Order No. G-34 be and the same is hereby amended to read as follows:

(b) *Applicability of producer prices.* This order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the City of Willmar, Minnesota, or who sell within that city and in the named townships 50% or more of the milk sold by them.

This order has been approved by the Midwest Field Representative, Dairy & Poultry Branch, Office of Distribution of the War Food Administration.

This order shall become effective December 11, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of December 1944.

RAE E. WALTERS,  
Regional Administrator.

[F. R. Doc. 44-18768; Filed, Dec. 11, 1944;  
12:03 p. m.]

[Region VIII Rev. Order G-8 Under MPR  
280, Amdt. 6]

#### FLUID MILK IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a) of Maximum Price Regulation No. 280, as amended, It is hereby ordered, That Order No. G-8 under Maximum Price Regulation No. 280 be amended in the following particulars:

(a) Paragraph (g) is hereby amended to read as follows:

(g) Notwithstanding any of the foregoing provisions of this order, the maximum prices at which any "handler" located in the northern California area may sell fluid milk to another "handler"

for resale for human consumption as fluid milk, which milk is transferred from one "handler" to another upon the specific written request of the Market Agent appointed by the Director of the War Food Administration, shall be as follows:

(1) For such sales of raw milk, f. o. b. seller's plant, the maximum prices shall be as follows:

Milk fat content:	
3.5 and less than 3.6	\$3.85
3.6 and less than 3.7	3.92
3.7 and less than 3.8	3.99
3.8 and less than 3.9	4.07
3.9 and less than 4.0	4.14
4.0 and less than 4.1	4.21
4.1 and less than 4.2	4.28
4.2 and less than 4.3	4.36
4.3 and less than 4.4	4.43
4.4 and less than 4.5	4.50
4.5 and less than 4.6	4.58
4.6 and less than 4.7	4.65
4.7 and less than 4.8	4.72
4.8 and less than 4.9	4.79
4.9 and less than 5.0	4.87
5.0 and less than 5.1	4.94
5.1 and less than 5.2	5.01
5.2 and less than 5.3	5.08
5.3 and less than 5.4	5.15
5.4 and less than 5.5	5.22
5.5 and less than 5.6	5.29
5.6 and less than 5.7	5.36

(b) Paragraph (b) is hereby amended by striking out sub-paragraphs (6) and (7).

(c) A new paragraph (h) is hereby added to read as follows:

(h) Notwithstanding any of the foregoing provisions of this order, the maximum price at which any "handler" may sell pasteurized fluid milk to another "handler" shall be the maximum price for the sales of that milk by the purchasing "handler".

This Amendment No. 6 shall become effective this 4th day of December 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1944.

CHARLES R. BAIRD,  
Regional Administrator.

[F. R. Doc. 44-18767; Filed, Dec. 11, 1944;  
12:03 p. m.]

[Region II Order G-3 Under RMPR 269,  
Amdt. 1]

#### POULTRY IN NEW YORK REGION

For the reasons stated in the accompanying opinion and pursuant to § 1429.14 of Revised Maximum Price Regulation No. 269, Order No. G-3 thereunder is amended in the following respects:

1. A new section 5 is added to read as follows:

SEC. 5. *Permitted increases to maximum base prices of poultry subject to War Food Order No. 119.* (a) From December 11, 1944 until the restrictions contained in War Food Order No. 119 expire, any "authorized poultry buyer" or "local poultry buyer" who transports live chickens grown or located in the "poultry area" and subject to War Food Order

No. 119 for a distance of more than five miles to the processing plant of an "authorized processor," may sell and deliver them to the "authorized processor" at the maximum base price established for the point at which the processing plant is located by Order No. G-1 under Revised Maximum Price Regulation No. 269 issued by the Regional Administrator for Region II, plus 2¢ per pound if the live chickens were transported by the seller a distance of 5 to 100 miles, or plus 3¢ per pound if the live chickens were transported a distance of 100 miles or more. The weight of the live chickens sold and delivered shall be the weight at the time of delivery at the processing plant.

(b) *Definitions.* (1) The terms "authorized poultry buyer," "local poultry buyer," "authorized processor" and "poultry area" shall have the same meaning as under War Food Order No. 119.

(2) *Effective date.* This order shall become effective at 12:01 a. m. on December 11, 1944.

(56 Stat. 23, 765; Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 269, 7 F.R. 10708, 8 F.R. 6736, 9299, 10940)

Issued December 9, 1944.

DANIEL P. WOOLLEY,  
Regional Administrator.

[F. R. Doc. 44-18777; Filed, Dec. 11, 1944;  
5:01 p. m.]

#### UNITED STATES COAST GUARD.

##### APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4433, 4488, 4491, as amended, 49 Stat. 1544 (46 U. S. C. 375, 391a, 392, 404, 407, 411, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval and termination of approval of equipment is prescribed:

##### APPROVAL OF EQUIPMENT

###### CYLINDER FOR LIFEBOAT ANTENNA BALLOON

Helium cylinder for lifeboat antenna balloon. Type RM-35 (Helium capacity 38.5 cu. ft. at 2000 pounds per square inch and 70° F; length (including valve) 21"; diameter (outside) 7 1/8"; approximate weight, 35 pounds), submitted by Harrisburg Steel Corporation, 110 E. 42nd Street, New York.

###### BOILER

Marine type vertical boiler (Maximum working pressure not to exceed 30 pounds per square inch): 500 sq. ft. heating surface (Dwg. No. MB-3270, dated 17 February, 1943, Rev. 7, dated 13 November, 1944); 800 sq. ft. heating surface (Dwg. No. MB-3271, dated 9 February, 1943, Rev. 7, dated 13 November, 1944); 1200 sq. ft. heating surface (Dwg. No. MB-3272, dated 9 March, 1943, Rev. 7, dated 13 November, 1944); 1500 sq. ft. heating surface (Dwg. No. MB-3273, dated 7 April, 1943, Rev. 6, dated 13 November, 1944), submitted by York-Shipley, Inc., York, Pa.

###### CONTAINERS FOR EMERGENCY RATIONS

Emergency drinking water container (Dwgs. dated 7 September, 1944 and Specification



dated 12 September, 1944), submitted by California Ration & Equipment Co., 1960 Carroll Avenue, San Francisco, Calif.

Emergency provisions container (Dwgs. dated 7 September, 1944 and Specification dated 12 September, 1944), submitted by California Ration & Equipment Co., 1960 Carroll Avenue, San Francisco, Calif.

#### TERMINATION OF APPROVAL

Coast Guard approval of the following item of equipment has been terminated, because it is superseded by the approval published in the FEDERAL REGISTER 28 November, 1944, 9 F.R. 14094:

#### LINE-THROWING GUN

Shoulder line-throwing gun, submitted by Coston Supply Co., 31 Water Street, New York, N. Y. (Approved 24 April, 1919). Shoulder line-throwing guns now in service may be continued in use so long as in serviceable condition.

Dated: December 11, 1944.

R. R. WAESCHE,  
Vice Admiral, U.S.C.G.,  
Commandant.

[F. R. Doc. 44-18809; Filed, Dec. 12, 1944;  
10:56 a. m.]

#### WAR PRODUCTION BOARD.

[C-232]

MYRALS, INC.

#### CONSENT ORDER

Myrals, Incorporated, 53 Exchange Street, Portland, Maine, engaged in the sale of flashlight batteries and other merchandise, is charged by the War Production Board with having unlawfully extended preference ratings in the purchase of flashlight batteries and as a result thereof procured delivery of flashlight batteries of a value of more than \$1200.00 in excess of the amount to which it was entitled. This was in violation of Priorities Regulation 3. Said Myrals, Incorporated, admits the foregoing but denies that it was wilful and does not care to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Myrals, Incorporated, the Regional Compliance Chief, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, that:*

(a) Myrals, Incorporated, shall not receive delivery of any flashlight batteries unless hereinafter expressly authorized in writing by the War Production Board.

(b) The restrictions and prohibitions contained herein shall apply to Myrals, Incorporated, its successors or assigns or persons acting on its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Myrals, Incorporated, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 11, 1944, and shall expire four months from said date.

Issued this 4th day of December 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-18773; Filed, Dec. 11, 1944;  
4:04 p. m.]